

HOUSE BILL 984

P3

6lr1192
CF SB 17

By: **Delegates Saab, Cullison, Grammer, Kelly, Kittleman, Krebs, Metzgar, Miele, W. Miller, Morgan, Pena-Melnyk, Rose, Shoemaker, and West**

Introduced and read first time: February 10, 2016

Assigned to: Health and Government Operations

Committee Report: Favorable

House action: Adopted

Read second time: March 9, 2016

CHAPTER _____

1 AN ACT concerning

2 **Open Meetings Act – Retention of Minutes and Recordings – Revision**

3 FOR the purpose of increasing the number of years after the date of an open session a public
4 body is required to keep a copy of certain minutes of the open session and any
5 recording made under certain provisions of law; requiring certain public bodies to
6 post online certain minutes or recordings, to the extent practicable; altering a certain
7 requirement relating to the preparation of minutes; making certain stylistic and
8 conforming changes; and generally relating to the retention of minutes and tape
9 recordings under the Open Meetings Act.

10 BY repealing and reenacting, with amendments,
11 Article – General Provisions
12 Section 3–206(b)(2)(iii) and (3) and 3–306(b) through (e)
13 Annotated Code of Maryland
14 (2014 Volume and 2015 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – General Provisions**

18 3–206.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (b) (2) On request of the Board, the public body shall include with its written
2 response to the complaint a copy of:

3 (iii) the [written] minutes and any [tape] recording made by the
4 public body under § 3–306 of this title.

5 (3) The Board shall maintain the confidentiality of the [written] minutes
6 and any [tape] recording submitted by a public body that are sealed in accordance with §
7 3–306(c)(3)(ii) of this title.

8 3–306.

9 (b) (1) Subject to paragraphs (2) and (3) of this subsection, as soon as
10 practicable after a public body meets, it shall have [written] minutes of its session
11 prepared.

12 (2) A public body need not prepare [written] minutes of an open session if:

13 (i) live and archived video or audio streaming of the open session is
14 available; or

15 (ii) the public body votes on legislation and the individual votes
16 taken by each member of the public body who participates in the voting are posted promptly
17 on the Internet.

18 (3) The information specified under paragraph (2) of this subsection shall
19 be deemed the minutes of the open session.

20 (c) (1) The [written] minutes shall reflect:

21 (i) each item that the public body considered;

22 (ii) the action that the public body took on each item; and

23 (iii) each vote that was recorded.

24 (2) If a public body meets in closed session, the [written] minutes for its
25 next open session shall include:

26 (i) a statement of the time, place, and purpose of the closed session;

27 (ii) a record of the vote of each member as to closing the session;

28 (iii) a citation of the authority under § 3–305 of this subtitle for
29 closing the session; and

1 (iv) a listing of the topics of discussion, persons present, and each
2 action taken during the session.

3 (3) (i) A session may be [tape] recorded by a public body.

4 (ii) Except as otherwise provided in paragraph (4) of this subsection,
5 the [written] minutes and any [tape] recording of a closed session shall be sealed and may
6 not be open to public inspection.

7 (4) The [written] minutes and any [tape] recording shall be unsealed and
8 open to inspection as follows:

9 (i) for a meeting closed under § 3–305(b)(5) of this subtitle, when the
10 public body invests the funds;

11 (ii) for a meeting closed under § 3–305(b)(6) of this subtitle, when the
12 public securities being discussed have been marketed; or

13 (iii) on request of a person or on the public body's own initiative, if a
14 majority of the members of the public body present and voting vote in favor of unsealing
15 the [written] minutes and any [tape] recording.

16 (d) Except as provided in subsection (c) of this section, [written] minutes of a
17 public body are public records and shall be open to public inspection during ordinary
18 business hours.

19 (e) (1) A public body shall keep a copy of the [written] minutes of each session
20 and any [tape] recording made under subsection (b)(2)(i) or (c)(3)(i) of this section for at
21 least [1 year] 5 YEARS after the date of the session.

22 (2) TO THE EXTENT PRACTICABLE, A PUBLIC BODY SHALL POST
23 ONLINE THE MINUTES OR RECORDINGS REQUIRED TO BE KEPT UNDER PARAGRAPH
24 (1) OF THIS SUBSECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2016.