

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 17

(Senator Reilly)

Education, Health, and Environmental Affairs

Health and Government Operations

Open Meetings Act - Retention of Minutes and Recordings - Revision

This bill increases the number of years – from one to five – that a public body is required to retain a copy of its minutes or recordings of open sessions. However, a public body may keep a copy of its minutes (not solely *written* minutes, as is required of under current law) of each session and any recording (not solely a *tape* recording, as is required under current law) to satisfy this requirement. To the extent practicable, a public body must post the minutes or recordings online. The bill makes several conforming changes to incorporate the added flexibility relating to the formats in which minutes and recordings may be made.

Fiscal Summary

State Effect: Minimal increase in State expenditures (all funds) for some agencies to the extent additional storage space is needed to retain records for a longer period of time and/or post the records online. No effect on revenues.

Local Effect: Potential minimal increase in local expenditures to the extent additional storage space is needed to retain records for a longer period of time and/or post the records online. No effect on revenues.

Small Business Effect: None.

Analysis

Current Law: Under Maryland’s Open Meetings Act, with limited exceptions, a “public body” must (1) provide adequate notice of the time and location of meetings and (2) meet in open session in a location that is reasonably accessible to attendees. A public body is any entity that (1) consists of at least two individuals and (2) is created by the

Maryland Constitution; a State statute; a county or municipal charter; a memorandum of understanding or a master agreement to which a majority of the county boards of education and the Maryland State Department of Education are signatories; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from the definition of “public body” include juries, the Governor’s cabinet and Executive Council, judicial nominating commissions, and single-member entities, among others.

As soon as practicable after each meeting, a public body must prepare written minutes of the meeting. The minutes must reflect each item that the public body considered, the action it took on each item, and each vote that was recorded. Minutes of each meeting must be made available to the public during normal business hours and must be retained by the public body for at least one year.

A public body subject to the Open Meetings Act does not need to prepare written minutes of an open session if (1) live and archived video or audio streaming of the open session is available or (2) if individual public votes on legislation taken by members of the public body are posted promptly on the Internet.

Additional Information

Prior Introductions: None.

Cross File: HB 984 (Delegate Saab, *et al.*) - Health and Government Operations.

Information Source(s): Maryland Municipal League; Maryland Association of Counties; Office of the Attorney General; Maryland State Department of Education; Department of Health and Mental Hygiene; Department of Labor, Licensing, and Regulation; Board of Public Works; Maryland Department of Transportation; Public Service Commission; Workers’ Compensation Commission; Department of Legislative Services

Fiscal Note History: First Reader - January 19, 2016
mel/lgc Revised - Senate Third Reader - March 21, 2016

Analysis by: Michelle Davis

Direct Inquiries to:
(410) 946-5510
(301) 970-5510