P1 2lr0716

By: Delegates Carr and Lehman

AN ACT concerning

Introduced and read first time: January 13, 2022 Assigned to: Health and Government Operations

A BILL ENTITLED

2	Open Meetings Act -	Notices, Cl	osed Sessions, a	and Minutes – I	Retention P	eriods

Notices, Closed Sessions, and Minutes – Retention Periods, 3 Online Posting, and Public Inspection

- 4 FOR the purpose of altering the period of time a public body is required to retain a certain 5 notice and certain written closing statement under the Open Meetings Act; requiring 6 a public body, to the extent practicable, to post a certain written closing statement 7 online; requiring a public body, if it does not post certain minutes or recordings or a 8 certain written closing statement online, to provide the minutes, recordings, or 9 statement on request to a requestor in a certain manner and within a certain period of time; and generally relating to the Open Meetings Act. 10
- 11 BY repealing and reenacting, with amendments,
- Article General Provisions 12
- 13 Section 3-302, 3-305, and 3-306
- Annotated Code of Maryland 14
- 15 (2019 Replacement Volume and 2021 Supplement)
- 16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- That the Laws of Maryland read as follows: 17

Article - General Provisions 18

3 - 302. 19

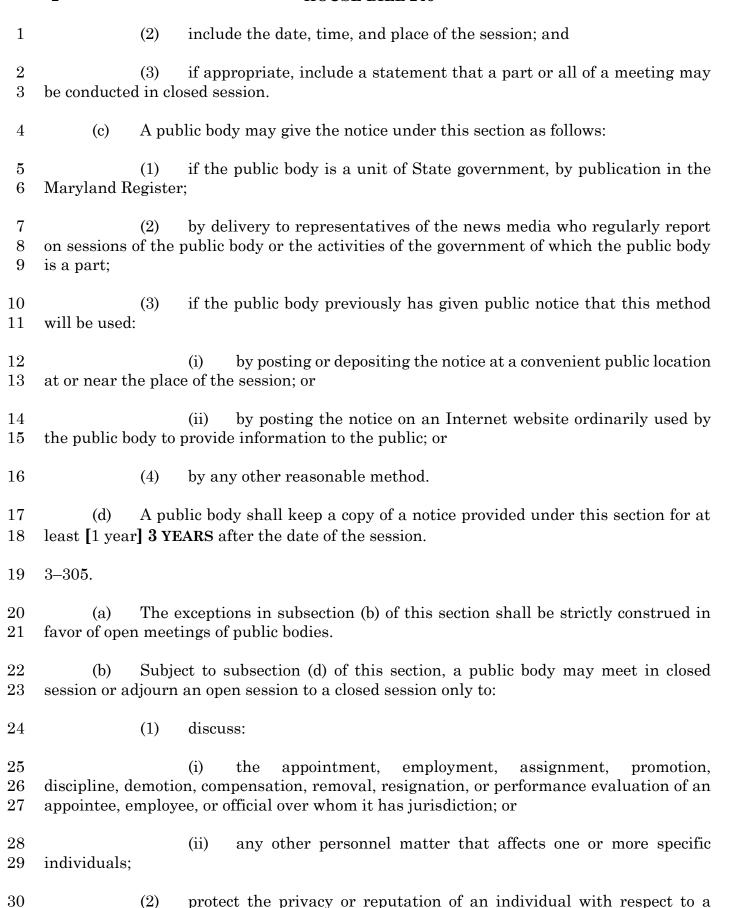
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- 20 Before meeting in a closed or open session, a public body shall give reasonable advance notice of the session. 21
- 22 (b) Whenever reasonable, a notice under this section shall:
- 23 (1) be in writing;



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matter that is not related to public business;



consider the acquisition of real property for a public purpose and 1 2 matters directly related to the acquisition; 3 consider a matter that concerns the proposal for a business or industrial 4 organization to locate, expand, or remain in the State; 5 (5)consider the investment of public funds; 6 (6)consider the marketing of public securities; 7 (7) consult with counsel to obtain legal advice; 8 consult with staff, consultants, or other individuals about pending or (8)9 potential litigation; 10 (9)conduct collective bargaining negotiations or consider matters that 11 relate to the negotiations; 12 discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: 13 14 (i) the deployment of fire and police services and staff; and the development and implementation of emergency plans; 15 (ii) 16 (11)prepare, administer, or grade a scholastic, licensing, or qualifying 17 examination; 18 conduct or discuss an investigative proceeding on actual or possible (12)19 criminal conduct; 20 comply with a specific constitutional, statutory, or judicially imposed 21requirement that prevents public disclosures about a particular proceeding or matter; 22(14)discuss, before a contract is awarded or bids are opened, a matter 23directly related to a negotiating strategy or the contents of a bid or proposal, if public 24discussion or disclosure would adversely impact the ability of the public body to participate 25 in the competitive bidding or proposal process; or 26 discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: 2728(i) security assessments or deployments relating to information 29 resources technology;

network security information, including information that is:

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(ii)

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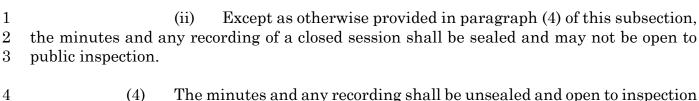
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1 2 3	1. related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity;							
4 5	2. collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or							
6 7 8	3. related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity; or							
9 10								
11 12	(c) A public body that meets in closed session under this section may not discuss or act on any matter not authorized under subsection (b) of this section.							
13 14	(d) (1) Unless a majority of the members of a public body present and voting vote in favor of closing the session, the public body may not meet in closed session.							
15	(2) Before a public body meets in closed session, the presiding officer shall:							
16	(i) conduct a recorded vote on the closing of the session; and							
17 18 19	(ii) make a written statement of the reason for closing the meeting including a citation of the authority under this section, and a listing of the topics to be discussed.							
20 21	(3) If a person objects to the closing of a session, the public body shall send a copy of the written statement to the Board.							
22	(4) The written statement shall be a matter of public record.							
23 24	(5) A public body shall keep a copy of the written statement for at least [3 year] 3 YEARS after the date of the session.							
25 26 27	(6) (I) TO THE EXTENT PRACTICABLE, A PUBLIC BODY SHALL POST ONLINE THE WRITTEN STATEMENT REQUIRED TO BE KEPT UNDER PARAGRAPH (5) OF THIS SUBSECTION.							
28 29	(II) IF A PUBLIC BODY DOES NOT POST A WRITTEN STATEMENT ONLINE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE PUBLIC BODY SHALL							

PROVIDE AN ELECTRONIC COPY OF THE WRITTEN STATEMENT, ON REQUEST, TO A

REQUESTOR WITHIN 2 BUSINESS DAYS OF RECEIVING THE REQUEST.

1	3–306.					
2	(a)	This	section	does not:		
3 4	(1) require any change in the form or content of the Journal of the Senate of Maryland or Journal of the House of Delegates of Maryland; or					
5		(2)	limit	the matters that a public body may include in its minutes.		
6 7	(b) practicable a	(1) after a	-	ect to paragraphs (2) and (3) of this subsection, as soon as a body meets, it shall have minutes of its session prepared.		
8		(2)	A pul	olic body need not prepare minutes of an open session if:		
9 10	available; or	•	(i)	live and archived video or audio streaming of the open session is		
11 12 13	taken by eac on the Inter		(ii) nber of	the public body votes on legislation and the individual votes the public body who participates in the voting are posted promptly		
14 15	(3) The information specified under paragraph (2) of this subsection shall be deemed the minutes of the open session.					
16	(c)	(1)	The r	ninutes shall reflect:		
17			(i)	each item that the public body considered;		
18			(ii)	the action that the public body took on each item; and		
19			(iii)	each vote that was recorded.		
20 21						
22			(i)	a statement of the time, place, and purpose of the closed session;		
23			(ii)	a record of the vote of each member as to closing the session;		
24 25	closing the s	session	(iii) ı; and	a citation of the authority under § 3–305 of this subtitle for		
26 27	action taken	ı durin	(iv) ng the s	a listing of the topics of discussion, persons present, and each session.		
28		(3)	(i)	A session may be recorded by a public body.		



- 4 (4) The minutes and any recording shall be unsealed and open to inspection 5 as follows:
- 6 (i) for a meeting closed under § 3–305(b)(5) of this subtitle, when the public body invests the funds;
- 8 (ii) for a meeting closed under § 3–305(b)(6) of this subtitle, when the 9 public securities being discussed have been marketed; or
- 10 (iii) on request of a person or on the public body's own initiative, if a 11 majority of the members of the public body present and voting vote in favor of unsealing 12 the minutes and any recording.
- 13 (d) Except as provided in subsection (c) of this section, minutes of a public body 14 are public records and shall be open to public inspection during ordinary business hours.
- 15 (e) (1) A public body shall keep a copy of the minutes of each session and any recording made under subsection (b)(2)(i) or (c)(3)(i) of this section for at least 5 years after the date of the session.
- 18 (2) (I) To the extent practicable, a public body shall post online the 19 minutes or recordings required to be kept under paragraph (1) of this subsection.
- 20 (II) IF A PUBLIC BODY DOES NOT POST MINUTES OR RECORDINGS ONLINE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE PUBLIC BODY SHALL PROVIDE AN ELECTRONIC COPY OF THE MINUTES OR RECORDING, ON REQUEST, TO A REQUESTOR WITHIN 2 BUSINESS DAYS OF RECEIVING THE REQUEST.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.