## **HOUSE BILL 246**

P1 2lr0716 By: Delegates Carr and Lehman Introduced and read first time: January 13, 2022 Assigned to: Health and Government Operations Committee Report: Favorable with amendments House action: Adopted Read second time: February 15, 2022 CHAPTER AN ACT concerning Open Meetings Act - Notices, Closed Sessions, and Minutes - Retention Periods, Online Posting, and Public Inspection FOR the purpose of altering the period of time a public body is required to retain a certain notice and certain written closing statement under the Open Meetings Act; requiring a public body, to the extent practicable, to post a certain written closing statement online; requiring a public body, if it does not post certain minutes or recordings or a certain written closing statement online, to provide the minutes, recordings, or 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. BY repealing and reenacting, with amendments, Article – General Provisions Section 3–302, 3–305, and 3–306 Annotated Code of Maryland (2019 Replacement Volume and 2021 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND. That the Laws of Maryland read as follows: Article - General Provisions

## EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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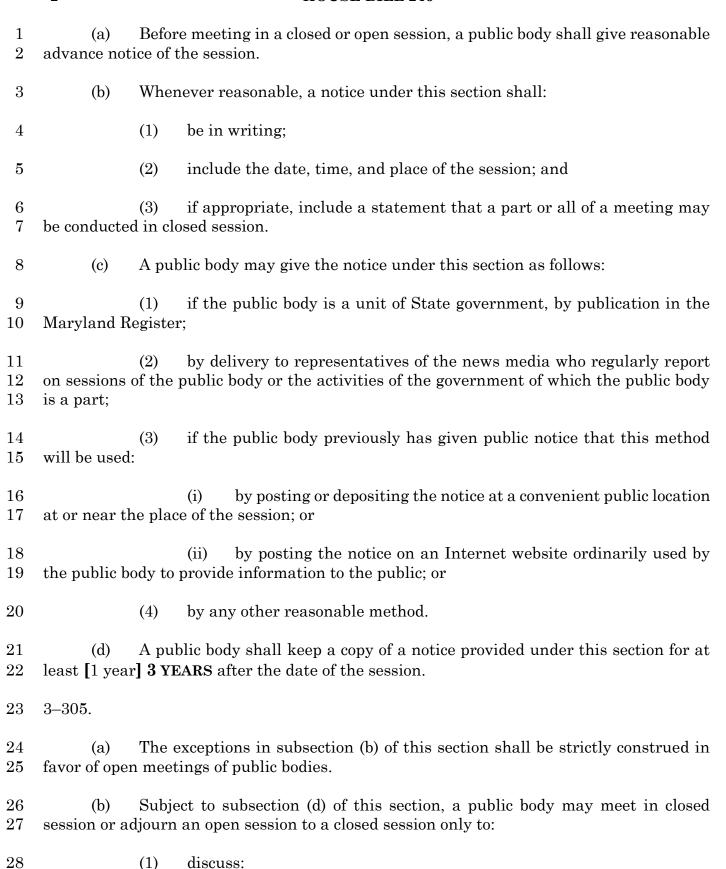
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3-302.

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





- 1 employment, (i) the appointment, assignment, promotion, 2 discipline, demotion, compensation, removal, resignation, or performance evaluation of an 3 appointee, employee, or official over whom it has jurisdiction; or any other personnel matter that affects one or more specific 4 (ii) individuals: 5 6 protect the privacy or reputation of an individual with respect to a (2)7 matter that is not related to public business; 8 (3)consider the acquisition of real property for a public purpose and 9 matters directly related to the acquisition; 10 **(4)** consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; 11 12 (5)consider the investment of public funds; 13 consider the marketing of public securities; (6)14 consult with counsel to obtain legal advice; (7)15 (8)consult with staff, consultants, or other individuals about pending or 16 potential litigation; 17 (9)conduct collective bargaining negotiations or consider matters that 18 relate to the negotiations: discuss public security, if the public body determines that public 19 20 discussion would constitute a risk to the public or to public security, including: 21(i) the deployment of fire and police services and staff; and 22(ii) the development and implementation of emergency plans; 23 (11)prepare, administer, or grade a scholastic, licensing, or qualifying 24examination; 25 (12)conduct or discuss an investigative proceeding on actual or possible 26 criminal conduct;
- 29 (14) discuss, before a contract is awarded or bids are opened, a matter 30 directly related to a negotiating strategy or the contents of a bid or proposal, if public

requirement that prevents public disclosures about a particular proceeding or matter;

comply with a specific constitutional, statutory, or judicially imposed

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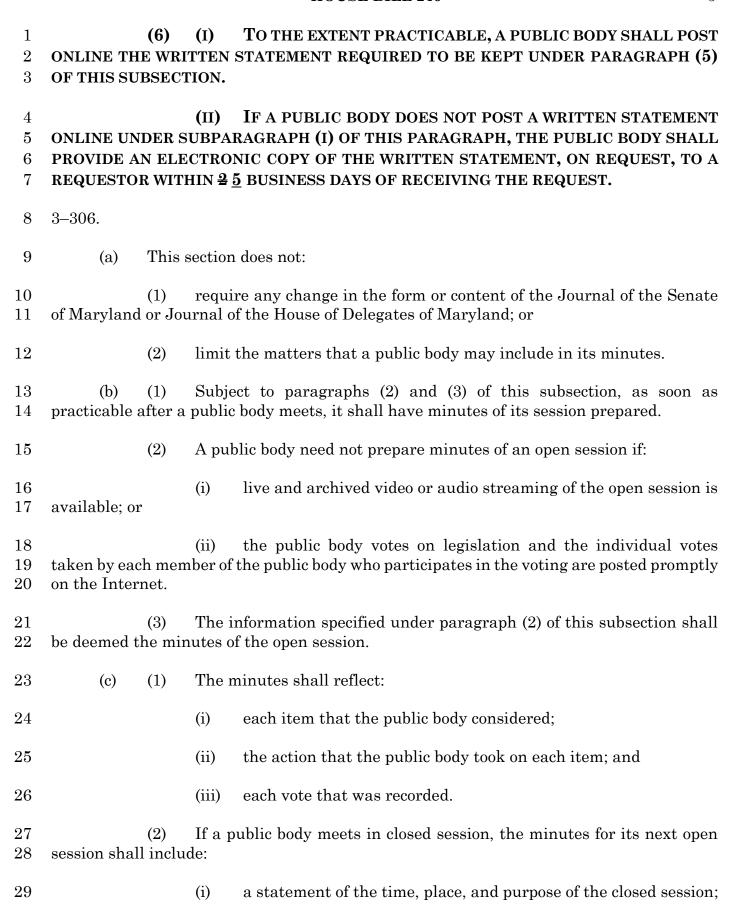
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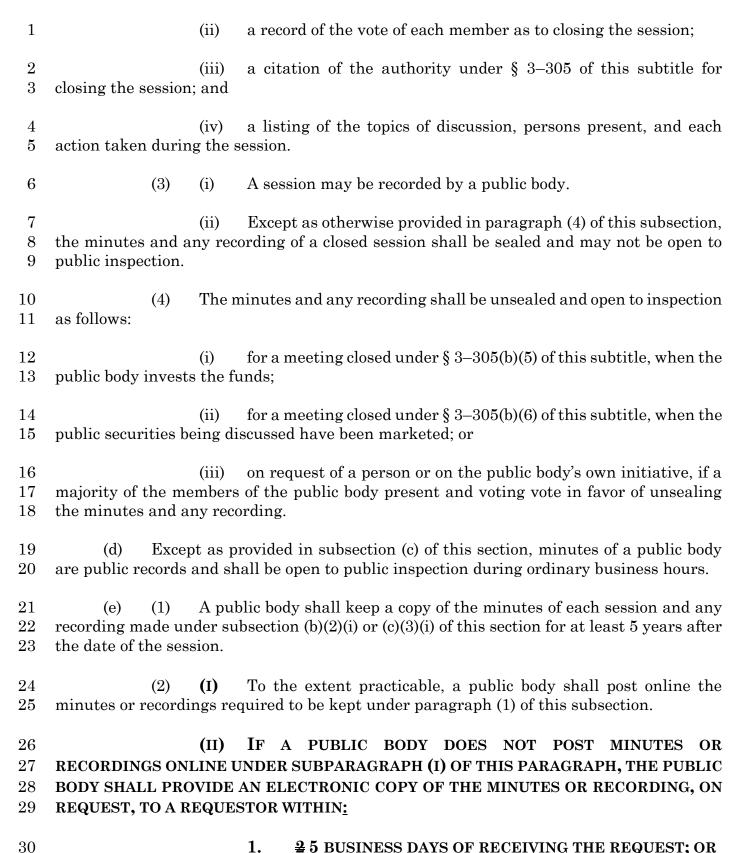
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**(4)** 

- 1 discussion or disclosure would adversely impact the ability of the public body to participate 2in the competitive bidding or proposal process; or 3 discuss cybersecurity, if the public body determines that public discussion would constitute a risk to: 4 5 security assessments or deployments relating to information 6 resources technology; 7 network security information, including information that is: (ii) 8 1. related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental 9 10 entity: 2. 11 collected, assembled, or maintained by or for a 12 governmental entity to prevent, detect, or investigate criminal activity; or 13 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 14 15 activity; or 16 (iii) deployments or implementation of security personnel, critical 17 infrastructure, or security devices. 18 A public body that meets in closed session under this section may not discuss 19 or act on any matter not authorized under subsection (b) of this section. 20 Unless a majority of the members of a public body present and voting 21vote in favor of closing the session, the public body may not meet in closed session. 22(2) Before a public body meets in closed session, the presiding officer shall: 23(i) conduct a recorded vote on the closing of the session; and 24make a written statement of the reason for closing the meeting, 25including a citation of the authority under this section, and a listing of the topics to be 26 discussed. 27 If a person objects to the closing of a session, the public body shall send (3)28a copy of the written statement to the Board.
- 30 (5) A public body shall keep a copy of the written statement for at least [1 31 year] **3 YEARS** after the date of the session.

The written statement shall be a matter of public record.





| 2. IF THE MINUTES HAVE NOT BEEN APPROVED BY THE  |
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| PUBLIC BODY AT THE TIME OF THE REQUEST, WITHIN 5 BUSINESS DAYS AFTER THE               |
| MINUTES ARE APPROVED BY THE PUBLIC BODY.   |
| SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022. |
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| Approved:  |
| Governor.  |
| Speaker of the House of Delegates.   |
| President of the Senate.   |