SENATE BILL 269

By: Senator Kagan
Introduced and read first time: January 17, 2022
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Open Meetings Act – Application and Enhanced Requirements
(Maryland State Agency Transparency Act of 2022)

FOR the purpose of repealing exemptions from the Open Meetings Act for certain
independent and regional development units; establishing enhanced requirements
under the Open Meetings Act for specified public bodies; and generally relating to
the Open Meetings Act.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 10–105(a), 10–504(a), 10–604(a), 10–806(a), and 11–402(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–111(a), 10–508(b), 10–607(a), 10–814(a) and (b), and 11–408(a) and (b)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 2–101(a)
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY repealing
Article – Election Law
Section 2–102(d)
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
1. BY repealing and reenacting, without amendments,
   Article – General Provisions
   Section 3–101(a), (d), and (h)(1), 3–204(a), and 3–501
   Annotated Code of Maryland
   (2019 Replacement Volume and 2021 Supplement)

2. BY adding to
   Article – General Provisions
   Section 3–307
   Annotated Code of Maryland
   (2019 Replacement Volume and 2021 Supplement)

3. BY repealing and reenacting, without amendments,
   Article – Public Safety
   Section 1–305(a)
   Annotated Code of Maryland
   (2018 Replacement Volume and 2021 Supplement)

4. BY repealing and reenacting, with amendments,
   Article – Public Safety
   Section 1–305(e)
   Annotated Code of Maryland
   (2018 Replacement Volume and 2021 Supplement)

5. BY repealing and reenacting, without amendments,
   Article – Public Utilities
   Section 2–101(a)
   Annotated Code of Maryland
   (2020 Replacement Volume and 2021 Supplement)

6. BY repealing and reenacting, with amendments,
   Article – Public Utilities
   Section 2–108(b)
   Annotated Code of Maryland
   (2020 Replacement Volume and 2021 Supplement)

7. BY repealing and reenacting, without amendments,
   Article – Transportation
   Section 4–201
   Annotated Code of Maryland
   (2020 Replacement Volume and 2021 Supplement)

8. BY repealing
   Article – Transportation
   Section 4–211
   Annotated Code of Maryland
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Economic Development

10–105.

(a) There is a Maryland Economic Development Corporation.

10–111.

(a) (1) Except as otherwise provided in this section, in exercising its powers, the Corporation:

(i) may carry out its corporate purposes without the consent of any State unit; and

(ii) is not subject to:

1. Title 12, Subtitles 1 through 3 of this article;

2. the following provisions of the Local Government Article:

A. Title 18, Subtitle 1 (Parking Authorities Act); and

B. Title 18, Subtitle 2 (Ocean City Convention Center);

3. the following provisions of the State Finance and Procurement Article:

A. Title 2, Subtitles 2 (Gifts and Grants), 4 (Water and Sewerage Systems), and 5 (Facilities for the Handicapped);

B. Title 3 (Budget and Management);

C. Title 4 (Department of General Services);

D. Title 5A (Division of Historical and Cultural Programs);

E. Title 6, Subtitle 1 (Studies and Estimates);

F. Title 7, Subtitles 1 (State Operating Budget), 2 (Disbursements and Expenditures), and 3 (Unspent Balances);

G. §§ 8–127, 8–128, and 8–129 (certain restrictions on State
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general obligation bonds);

H.  Title 8, Subtitle 1, Part V (State Revenue Anticipation Notes);

I.  Title 10 (Board of Public Works – Miscellaneous Provisions); and

J.  Division II (General Procurement Law);

4.  the following provisions of the State Government Article:

A.  Title 9, Subtitles 10 (State Archives and Artistic Property) and 17 (Maryland State Employees Surety Bond Committee); and

B.  Title 11 (Consolidated Procedures for Development Permits); AND

5.  Article 41 of the Code;


(2)  The Corporation is subject to:

(I)  the Public Information Act; AND

(II)  THE OPEN MEETINGS ACT.

10–504.

(a)  There is a Maryland Agricultural and Resource–Based Industry Development Corporation.

(b)  (1)  The Corporation is subject to:

(I)  the Public Information Act; AND

(II)  SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE OPEN MEETINGS ACT.

(2)  [The Corporation is exempt from the Open Meetings Act.] FOR PURPOSES OF THE OPEN MEETINGS ACT, A PROJECT SITE VISIT OR EDUCATIONAL FIELD TOUR SHALL NOT BE CONSIDERED A MEETING OF THE BOARD IF NO
ORGANIZATIONAL BUSINESS IS CONDUCTED.

10–604.

1 (a) There is a Maryland Stadium Authority.

10–607.

1 (a) [(1)] The Authority shall determine the times and places of its meetings.

[(2) The Authority shall make publicly available on its website:

(i) each open meeting agenda:

1. at least 48 hours in advance of each meeting; or

2. if the meeting is being held due to an emergency, a natural

disaster, or any other unanticipated situation, as far in advance of the meeting as

practicable;

(ii) meeting minutes from the portions of a meeting that were held

in open session, not more than 2 business days after the minutes are approved; and

(iii) except as provided in paragraph (3) of this subsection, live video

streaming of each portion of a meeting that is held in open session.

(3) If the Authority meets by telephone conference, the Authority shall

make publicly available on its website live audio streaming of each portion of the meeting

that is held in open session.

(4) The Authority shall maintain on its website:

(i) meeting minutes made available under paragraph (2) of this

subsection for a minimum of 5 years after the date of the meeting;

(ii) a complete and unedited archived video recording of each open

meeting for which live video streaming was made available under paragraph (2) of this

subsection for a minimum of 1 year after the date of the meeting; and

(iii) a complete and unedited archived audio recording of each open

meeting for which live audio streaming was made available under paragraph (3) of this

subsection for a minimum of 1 year after the date of the meeting.]
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10–814.

(a) Except as provided in subsections (b), (c), and (e) of this section, the Center is exempt from:

(1) Title 10 and Division II of the State Finance and Procurement Article; and


(b) The Center is subject to:

(1) the Public Information Act; AND

(2) THE OPEN MEETINGS ACT.

11–402.

(a) There is a Bainbridge Development Corporation.

11–408.

(a) Except as otherwise provided in this section, in exercising its corporate powers, the Corporation:

(1) may carry out its corporate purposes without obtaining the consent of any other State unit; and

(2) is not subject to:

(i) §§ 3–301 and 3–303 of the General Provisions Article (Open Meetings);

(ii) Title 11 of the State Government Article (Consolidated Procedures for Development Permits); and

(iii) the following provisions of the State Finance and Procurement Article:

1. Title 2, Subtitles 2 (Gifts and Grants), 4 (Facsimile Signatures and Seals), and 5 (Facilities for Handicapped);

2. Title 3 (Budget and Management);

3. Title 4 (Department of General Services);
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4. § 5A–304 (Maryland Historical Trust Property Acquisition);

5. Title 6, Subtitle 1 (Revenues: Studies and Estimates);

6. Title 7, Subtitles 1 (State Operating Budget), 2 (Disbursements and Expenditures), and 3 (Unspent Balances);

7. Title 8, Subtitle 1 (General Obligation Debt);

8. Title 10 (Board of Public Works – Miscellaneous Provisions); and

9. Division II (General Procurement Law).

(b) The Corporation is subject to:

(1) the Public Information Act; AND

(2) THE OPEN MEETINGS ACT.

Article – Election Law

(a) There is a State Board of Elections consisting of five members.

(d) (1) The State Board shall make publicly available on its website:

(i) each open meeting agenda:

1. at least 48 hours in advance of each meeting; or

2. if the meeting is being held due to an emergency, a natural disaster, or any other unanticipated situation, as far in advance of the meeting as practicable;

(ii) meeting minutes from the portions of a meeting that were held in open session, not more than 2 business days after the minutes are approved; and

(iii) live video streaming of each portion of a meeting that is held in open session.

(2) The State Board shall maintain on its website:
(i) meeting minutes made available under paragraph (1)(ii) of this subsection for a minimum of 5 years after the date of the meeting; and

(ii) a complete and unedited archived video recording of each open meeting for which live video streaming was made available under paragraph (1)(iii) of this subsection for a minimum of 1 year after the date of the meeting.

(3) The Department of Information Technology shall provide to the State Board the technical staff, support, and equipment necessary to stream live video of the open meetings of the State Board.

Article – General Provisions


(a) In this title the following words have the meanings indicated.

(d) “Board” means the State Open Meetings Law Compliance Board.

(h) (1) “Public body” means an entity that:

(i) consists of at least two individuals; and

(ii) is created by:

1. the Maryland Constitution;

2. a State statute;

3. a county or municipal charter;

4. a memorandum of understanding or a master agreement to which a majority of the county boards of education and the State Department of Education are signatories;

5. an ordinance;

6. a rule, resolution, or bylaw;

7. an executive order of the Governor; or

8. an executive order of the chief executive authority of a political subdivision of the State.

3–204.

(a) The Board shall:
(1) receive, review, and, subject to § 3–207 of this subtitle, resolve complaints from any person alleging a violation of this title; and

(2) issue a written opinion as to whether a violation has occurred.


(A) This section applies only to the following public bodies:

(1) the Board of Directors of the Bainbridge Development Corporation;

(2) the Canal Place Preservation and Development Authority;

(3) the Maryland 9–1–1 Board;

(4) the Board of Directors of the Maryland Agricultural and Resource–Based Industry Corporation;

(5) the Board of Trustees of the Maryland Automobile Insurance Fund;

(6) the Board of Directors of the Maryland Clean Energy Center;

(7) the Board of Directors of the Maryland Economic Development Corporation;

(8) the Board of Directors of the Maryland Environmental Service;

(9) the Maryland Food Center Authority;

(10) the Maryland Health and Higher Educational Facilities Authority;

(11) the Maryland Industrial Development Financing Authority;

(12) the Maryland Stadium Authority;

(13) the Maryland Transportation Authority;
(14) The Northeast Maryland Waste Disposal Authority;

(15) The Public Service Commission; and

(16) The State Board of Elections.

(B) A public body specified in subsection (A) of this section shall make publicly available on its website:

(1) Each open meeting agenda, together with any documents, testimony, minutes from previous meetings, and other materials that will be considered at the open meeting:

(I) At least 48 hours in advance of each meeting; or

(II) If the meeting is being held due to an emergency, a natural disaster, or any other unanticipated situation, as far in advance of the meeting as practicable;

(2) Meeting minutes from the portions of a meeting that were held in open session, not more than 2 business days after the minutes are approved; and

(3) Subject to subsections (F) and (G) of this section, live video streaming of each portion of a meeting that is held in open session.

(C) To the extent practicable, each open meeting agenda shall indicate:

(1) Whether the public body intends to adjourn the open session to a closed session; and

(2) If applicable, the time at which the public body intends to adjourn the open session to a closed session.

(D) (1) The public body shall approve meeting minutes in a timely manner.

(2) Each open meeting agenda shall include consideration of the meeting minutes from the most recent meeting.
(E) The public body shall maintain on its website:

(1) Meeting minutes made available under subsection (B) of this section for a minimum of 5 years after the date of the meeting; and

(2) Except as provided in subsections (F) and (G) of this section, a complete and unedited archived video recording of each open meeting for which live video streaming was made available under subsection (B) of this section for a minimum of 1 year after the date of the meeting.

(F) (1) This subsection applies only to the Maryland Stadium Authority.

(2) If the Maryland Stadium Authority meets by telephone conference, the Authority shall:

   (I) Make publicly available on its website live audio streaming of each portion of the meeting that is held in open session; and

   (II) Maintain on its website a complete and unedited archived audio recording of each meeting for which live audio streaming was made available for a minimum of 1 year after the date of the meeting.

(G) (1) This subsection applies only to the Maryland Transportation Authority.

(2) The Maryland Transportation Authority is required to provide live video streaming of a meeting only if the meeting is held at:

   (I) The headquarters of the Maryland Transportation Authority; or

   (II) A location where the Maryland Transportation Authority held at least 10 meetings during the immediately preceding calendar year.

(H) The Department of Information Technology shall provide the technical staff, support, and equipment necessary to livestream the open meetings of:
(1) THE MARYLAND TRANSPORTATION AUTHORITY; AND

(2) THE STATE BOARD OF ELECTIONS.

(i) THE REQUIREMENTS OF THIS SECTION ARE IN ADDITION TO THE OTHER REQUIREMENTS OF THIS SUBTITLE.

3–501.

This title may be cited as the Open Meetings Act.

Article – Public Safety

1–305.

(a) There is a Maryland 9–1–1 Board in the Maryland Department of Emergency Management.

(e) [(1)] The Board shall meet as necessary, but at least once each quarter.

[(2)] The Board shall make publicly available on its website:

(i) each open meeting agenda:

1. at least 48 hours in advance of each meeting; or

2. if the meeting is being held due to an emergency, a natural disaster, or any other unanticipated situation, as far in advance of the meeting as practicable;

(ii) meeting minutes from the portions of a meeting that were held in open session, not more than 2 business days after the minutes are approved; and

(iii) live video streaming of each portion of a meeting that is held in open session.

(3) The Board shall maintain on its website:

(i) meeting minutes made available under paragraph (2) of this subsection for a minimum of 5 years after the date of the meeting; and

(ii) a complete and unedited archived video recording of each open meeting for which live video streaming was made available under paragraph (2) of this subsection for a minimum of 1 year after the date of the meeting.]

Article – Public Utilities
2–101.

(a) There is a Public Service Commission.

2–108.

(b) The Commission shall meet at the times and places in the State as the Commission considers necessary.

[(1)] The Commission shall make publicly available on its website:

(i) each open meeting agenda:

1. at least 48 hours in advance of each meeting; or

2. if the meeting is being held due to an emergency, a natural disaster, or any other unanticipated situation, as far in advance of the meeting as practicable;

(ii) meeting minutes from the portions of a meeting that were held in open session, not more than 2 business days after the minutes are approved; and

(iii) live video streaming of each portion of a meeting that is held in open session.

[(2)] The Commission shall maintain on its website:

(i) meeting minutes made available under paragraph (2) of this subsection for a minimum of 5 years after the date of the meeting; and

(ii) a complete and unedited archived video recording of each open meeting for which live video streaming was made available under paragraph (2) of this subsection for a minimum of 1 year after the date of the meeting.]

Article – Transportation

4–201.

There is a Maryland Transportation Authority.

[4–211.

(a) The Authority shall make publicly available on its website:

(1) Each open meeting agenda:
(i) At least 48 hours in advance of each meeting; or

(ii) If the meeting is being held due to an emergency, a natural disaster, or any other unanticipated situation, as far in advance of the meeting as practicable;

(2) Meeting minutes from the portions of a meeting that were held in open session, not more than 2 business days after the minutes are approved;

(3) Live video streaming of each open meeting of the Authority that is held at:

(i) The headquarters of the Authority; or

(ii) Any other location where the Authority held at least 10 meetings during the immediately preceding calendar year; and

(4) A complete and unedited archived video recording of each open meeting for which live video streaming was made available under item (3) of this subsection for a minimum of 5 years after the date of the meeting.

(b) The Department of Information Technology shall provide to the Authority the technical staff, support, and equipment necessary to livestream the open meetings of the Authority.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.