

SENATE BILL 35

P1, G2

(PRE-FILED)

3lr0592
CF HB 58

By: **Senator Kagan**

Requested: October 20, 2022

Introduced and read first time: January 11, 2023

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 2023

CHAPTER _____

1 AN ACT concerning

2 **Open Meetings Act – State Ethics Commission**
3 **(Maryland State Agency Transparency Act of 2023)**

4 FOR the purpose of establishing enhanced requirements under the Open Meetings Act for
5 the State Ethics Commission; requiring the Department of Information Technology
6 to provide the technical staff, support, and equipment necessary to live stream the
7 open meetings of the State Ethics Commission; and generally relating to the Open
8 Meetings Act.

9 BY repealing and reenacting, without amendments,
10 Article – General Provisions
11 Section 3–101(a) and (h)(1)
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2022 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – General Provisions
16 Section 3–307
17 Annotated Code of Maryland
18 (2019 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, with amendments,
20 Chapter 346 of the Acts of the General Assembly of 2022
21 Section 2

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

3 **Article – General Provisions**

4 3–101.

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

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

7 (i) consists of at least two individuals; and

8 (ii) is created by:

9 1. the Maryland Constitution;

10 2. a State statute;

11 3. a county or municipal charter;

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

15 5. an ordinance;

16 6. a rule, resolution, or bylaw;

17 7. an executive order of the Governor; or

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

20 3–307.

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

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

23 (2) the Canal Place Preservation and Development Authority;

24 (3) the Maryland 9–1–1 Board;

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

- 1 (5) the Board of Directors of the Maryland Clean Energy Center;
- 2 (6) the Board of Directors of the Maryland Economic Development
3 Corporation;
- 4 (7) the Board of Directors of the Maryland Environmental Service;
- 5 (8) the Maryland Food Center Authority;
- 6 (9) the Maryland Health and Higher Educational Facilities Authority;
- 7 (10) the Maryland Industrial Development Financing Authority;
- 8 (11) the Maryland Stadium Authority;
- 9 (12) the Maryland Transportation Authority;
- 10 (13) the Northeast Maryland Waste Disposal Authority;
- 11 (14) the Public Service Commission;
- 12 (15) the State Board of Elections;
- 13 (16) the Maryland Technology Development Corporation; [and]
- 14 (17) the Historic St. Mary's City Commission; **AND**
- 15 **(18) THE STATE ETHICS COMMISSION.**

16 (b) A public body specified in subsection (a) of this section shall make publicly
17 available on its website:

18 (1) each open meeting agenda, together with a summary of any finalized
19 documents, written testimony from the public, and other materials that the public body
20 will vote on at the open meeting:

21 (i) at least 48 hours in advance of each meeting; or

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

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

1 (3) subject to subsections (f) and (g) of this section, live video streaming of
2 each portion of a meeting that is held in open session.

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

4 (1) whether the public body intends to adjourn the open session to a closed
5 session; and

6 (2) if applicable, the expected time at which the public body intends to
7 adjourn the open session to a closed session.

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

9 (2) Each open meeting agenda shall include consideration of the meeting
10 minutes from the most recent meeting.

11 (3) The requirement under paragraph (2) of this subsection does not apply
12 to the agenda of an emergency meeting of a public body if consideration of the meeting
13 minutes from the most recent meeting is not practicable because of the need to hold an
14 emergency meeting.

15 (e) The public body shall maintain on its website:

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

18 (2) except as provided in subsections (f) and (g) of this section, a complete
19 and unedited archived video recording of each open meeting for which live video streaming
20 was made available under subsection (b) of this section for a minimum of 1 year after the
21 date of the meeting.

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

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

25 (i) make publicly available on its website live audio streaming of
26 each portion of the meeting that is held in open session; and

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

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

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

- 1 (i) the headquarters of the Maryland Transportation Authority; or
2 (ii) a location where the Maryland Transportation Authority held at
3 least 10 meetings during the immediately preceding calendar year.

4 (h) The Department of Information Technology shall provide the technical staff,
5 support, and equipment necessary to livestream the open meetings of:

6 (1) the Maryland Transportation Authority; ~~and~~

7 (2) the State Board of Elections; **AND**

8 **(3) THE STATE ETHICS COMMISSION.**

9 (i) For purposes of this title, a project site visit or educational field tour may not
10 be considered a meeting of a public body listed under subsection (a) of this section if no
11 organizational business is conducted.

12 (j) Nothing in this section may be construed to prevent a public body from
13 altering the agenda of a meeting after the agenda has been made available to the public.

14 (k) The requirements of this section are in addition to the other requirements of
15 this subtitle.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
17 as follows:

18 **Chapter 346 of the Acts of 2022**

19 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
20 Assembly that the requirement for publication of documents, testimony from the public,
21 and other materials in advance of an open meeting in accordance with § 3-307 of the
22 General Provisions Article[, as enacted by Section 1 of this Act,] may not be construed to:

23 (1) limit the discussions and deliberations of the public body to matters
24 referenced in the materials published prior to the meeting; or

25 (2) require the disclosure of documents or material that would be exempt
26 from public inspection under Title 4 of the General Provisions Article.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 ~~October~~ July 1, 2023.