

Chapter 591

(House Bill 1064)

AN ACT concerning

**Montgomery County Planning Board and Washington Suburban Sanitary
Commission – Open Meetings – Live Streaming Requirement****MC/PG 101–25**

FOR the purpose of ~~altering~~ establishing that certain project site visits and educational field tours do not constitute open meetings subject to the requirement that the Montgomery County Planning Board and the Washington Suburban Sanitary Commission, respectively, stream live video or audio of their open meetings to apply only to meetings held at certain locations; and generally relating to open meetings of the Montgomery County Planning Board and the Washington Suburban Sanitary Commission.

BY repealing and reenacting, with amendments,

Article – Land Use

Section 20–202(e)

Annotated Code of Maryland

(2012 Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 17–106(e)

Annotated Code of Maryland

(2020 Replacement Volume and 2024 Supplement)

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

Article – Land Use

20–202.

(e) (1) This subsection applies only to the Montgomery County Planning Board.

(2) The Board shall:

(i) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, stream live video or live teleconference audio or other audio of the open meetings of the Board ~~ONLY IF THE MEETING IS HELD AT:~~

~~1. THE HEADQUARTERS OF THE BOARD; OR~~

~~2. A LOCATION WHERE THE BOARD HELD AT LEAST 10 MEETINGS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR;~~

(ii) maintain on its website a complete and unedited archived recording of each open meeting that is livestreamed in accordance with this subsection; and

(iii) notwithstanding § 3-306(b)(2)(i) of the General Provisions Article:

1. prepare minutes of each meeting as soon as practicable after the meeting; and

2. publish and maintain on its website the minutes of each open meeting prepared in accordance with this subsection.

(3) The inability of the Board to comply with paragraph (2)(i) and (ii) of this subsection due to technical failure that entirely prevents or otherwise affects the quality of the live video or audio streaming of a meeting of the Board does not affect the validity of any action taken by the Board during the meeting if:

(i) the Board otherwise complies with this subsection and the Open Meetings Act; and

(ii) the inability to comply is not due to willful action by the Board.

(4) In addition to complying with the minutes requirements of the Open Meetings Act under § 3-306 of the General Provisions Article, if the Board is unable to comply with paragraph (2)(i) of this subsection, the Board shall make good-faith efforts to record an open meeting by video or audio and maintain on its website a complete and unedited archived recording of the meeting.

(5) A PROJECT SITE VISIT OR AN EDUCATIONAL FIELD TOUR DOES NOT CONSTITUTE AN OPEN MEETING UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION IF NO ORGANIZATIONAL BUSINESS IS CONDUCTED.

Article – Public Utilities

17-106.

(e) (1) The Commission shall:

(i) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, stream live video or live teleconference audio or other audio of the open meetings of the Commission ~~ONLY IF THE MEETING IS HELD AT:~~

~~1. THE HEADQUARTERS OF THE COMMISSION; OR~~

~~2. A LOCATION WHERE THE COMMISSION HELD AT LEAST 10 MEETINGS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR;~~ and

(ii) maintain on its website a complete and unedited archived recording of each open meeting that is livestreamed in accordance with this subsection.

(2) The inability of the Commission to comply with paragraph (1) of this subsection due to technical failure that entirely prevents or otherwise affects the quality of the live video or audio streaming of a meeting of the Commission does not affect the validity of any action taken by the Commission during the meeting if:

(i) the Commission otherwise complies with this section and the Open Meetings Act; and

(ii) the inability to comply is not due to willful action by the Commission.

(3) In addition to complying with the minutes requirements of the Open Meetings Act under § 3–306 of the General Provisions Article, if the Commission is unable to comply with the requirements of paragraph (1)(i) of this subsection, the Commission shall make good faith efforts to record an open session by video or audio and maintain on its website a complete and unedited archived recording of the meeting.

(4) A PROJECT SITE VISIT OR AN EDUCATIONAL FIELD TOUR DOES NOT CONSTITUTE AN OPEN MEETING UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION IF NO ORGANIZATIONAL BUSINESS IS CONDUCTED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025.

Approved by the Governor, May 13, 2025.