

HOUSE BILL 421

P1

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CF 0lr0717

By: **Delegates Korman, Carr, Kipke, and Szeliga**

Introduced and read first time: January 23, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Open Meetings – Requirements and Application of Open**
3 **Meetings Act**
4 **(Maryland State Agency Transparency Act)**

5 FOR the purpose of providing that the Maryland Technology Development Corporation is
6 subject to the Open Meetings Act; requiring certain State agencies to make publicly
7 available on their websites open meeting agendas a certain amount of time in
8 advance of each meeting or, under certain circumstances, as far in advance of the
9 meeting as practicable; requiring certain State agencies to post on their websites
10 certain meeting minutes not more than a certain number of days after the minutes
11 are approved; requiring certain State agencies to make publicly available live video
12 streaming of each portion of a certain meeting; requiring the Maryland Stadium
13 Authority, under certain circumstances, to make publicly available live audio
14 streaming of each portion of a certain meeting; altering the requirements regarding
15 minutes of and the posting of information regarding meetings of the State Board of
16 Elections; making conforming and technical changes; and generally relating to open
17 meetings of State agencies.

18 BY repealing and reenacting, without amendments,
19 Article – Economic Development
20 Section 10–402(a) and 10–604(a)
21 Annotated Code of Maryland
22 (2018 Replacement Volume and 2019 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Economic Development
25 Section 10–407(a) and 10–607(a)
26 Annotated Code of Maryland
27 (2018 Replacement Volume and 2019 Supplement)

28 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Article – Economic Development
2 Section 10–407(f)
3 Annotated Code of Maryland
4 (2018 Replacement Volume and 2019 Supplement)
- 5 BY repealing and reenacting, without amendments,
6 Article – Election Law
7 Section 2–101(a)
8 Annotated Code of Maryland
9 (2017 Replacement Volume and 2019 Supplement)
- 10 BY repealing and reenacting, with amendments,
11 Article – Election Law
12 Section 2–102(d)
13 Annotated Code of Maryland
14 (2017 Replacement Volume and 2019 Supplement)
- 15 BY repealing and reenacting, without amendments,
16 Article – Public Safety
17 Section 1–305(a)
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2019 Supplement)
- 20 BY repealing and reenacting, with amendments,
21 Article – Public Safety
22 Section 1–305(e)
23 Annotated Code of Maryland
24 (2018 Replacement Volume and 2019 Supplement)
- 25 BY repealing and reenacting, without amendments,
26 Article – Public Utilities
27 Section 2–101(a)
28 Annotated Code of Maryland
29 (2010 Replacement Volume and 2019 Supplement)
- 30 BY repealing and reenacting, with amendments,
31 Article – Public Utilities
32 Section 2–108(b)
33 Annotated Code of Maryland
34 (2010 Replacement Volume and 2019 Supplement)
- 35 BY repealing and reenacting, without amendments,
36 Article – Transportation
37 Section 4–201
38 Annotated Code of Maryland
39 (2015 Replacement Volume and 2019 Supplement)

1 BY adding to
2 Article – Transportation
3 Section 4–211
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2019 Supplement)

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

8 **Article – Economic Development**

9 10–402.

10 (a) There is a Maryland Technology Development Corporation.

11 10–407.

12 (a) Except as provided in [subsections (b), (c), and (e)] **SUBSECTION (E)** of this
13 section, the Corporation is exempt from[:

14 (1)] Title 10 and Division II of the State Finance and Procurement Article[;
15 and

16 (2) §§ 3–301 and 3–303 of the General Provisions Article].

17 **(F) (1) THE CORPORATION IS SUBJECT TO THE OPEN MEETINGS ACT.**

18 **(2) THE CORPORATION SHALL MAKE PUBLICLY AVAILABLE ON ITS**
19 **WEBSITE:**

20 **(I) EACH OPEN MEETING AGENDA:**

21 1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;

22 **OR**

23 2. IF THE MEETING IS BEING HELD DUE TO AN
24 EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS
25 FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND

26 **(II) MEETING MINUTES FROM THE PORTIONS OF A MEETING**
27 **THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE**
28 **MINUTES ARE APPROVED.**

29 **(3) THE CORPORATION SHALL MAKE PUBLICLY AVAILABLE LIVE**
30 **VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN**

1 SESSION.

2 10-604.

3 (a) There is a Maryland Stadium Authority.

4 10-607.

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

6 (2) THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE ON ITS
7 WEBSITE:

8 (I) EACH OPEN MEETING AGENDA:

9 1. AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING;

10 OR

11 2. IF THE MEETING IS BEING HELD DUE TO AN
12 EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS
13 FAR IN ADVANCE OF THE MEETING AS PRACTICABLE; AND

14 (II) MEETING MINUTES FROM THE PORTIONS OF A MEETING
15 THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE
16 MINUTES ARE APPROVED.

17 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
18 PARAGRAPH, THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO
19 STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

20 (II) IF THE AUTHORITY MEETS BY TELEPHONE CONFERENCE,
21 THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE LIVE AUDIO STREAMING OF
22 EACH PORTION OF THE MEETING THAT IS HELD IN OPEN SESSION.

23 Article – Election Law

24 2-101.

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

26 2-102.

27 (d) [(1) The State Board shall prepare written minutes of each meeting of the
28 State Board as soon as practicable after the meeting.

(2) The State Board, in consultation with the Department of Information Technology, shall make publicly available on the Internet:

(i) each meeting agenda, made available at least 24 hours in advance of each meeting;

(ii) live video streaming of each open meeting of the State Board; and

(iii) a complete, unedited archived video recording of each open meeting for a minimum of 4 years after the date of the meeting.]

(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; AND

(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.

(2) THE STATE BOARD SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

(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 – Public Safety

1–305.

(a) There is an Emergency Number Systems Board in the Department of Public Safety and Correctional Services.

(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; AND

(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.

(3) THE BOARD SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

Article – Public Utilities

2–101.

(a) There is a Public Service Commission.

2–108.

(b) (1) The Commission shall meet at the times and places in the State as the Commission considers necessary.

(2) 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; AND

(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.

1 **(3) THE COMMISSION SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO**
2 **STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.**

3 **Article – Transportation**

4 4–201.

5 There is a Maryland Transportation Authority.

6 4–211.

7 **(A) THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:**

8 **(1) EACH OPEN MEETING AGENDA:**

9 **(I) AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING; OR**

10 **(II) IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A**
11 **NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN**
12 **ADVANCE OF THE MEETING AS PRACTICABLE; AND**

13 **(2) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT**
14 **WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE**
15 **MINUTES ARE APPROVED.**

16 **(B) THE AUTHORITY SHALL MAKE PUBLICLY AVAILABLE LIVE VIDEO**
17 **STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2020.