

Department of Legislative Services  
Maryland General Assembly  
2017 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 27 (Delegate Barkley)  
Health and Government Operations

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Open Meetings Act - Minutes - Required Internet Postings

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This bill requires a public body subject to the Open Meetings Act that elects to promptly post on the Internet individual public votes on legislation taken by members instead of prepared minutes of an open session to *also* post (1) amendments passed by the public body, if applicable, and (2) a reprint of the legislation that includes the text of the legislation as introduced, interlineated with the text of any amendments passed by the public body.

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Fiscal Summary

**State Effect:** None. The Maryland General Assembly, the Office of the Attorney General, and other State agencies can implement the bill’s requirements with existing budgeted resources.

**Local Effect:** None. Local governments can implement the bill’s requirements with existing budgeted resources.

**Small Business Effect:** None.

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Analysis

**Current Law:**

*Open Meetings Act, Generally*

Under Maryland’s Open Meetings Act, with limited exceptions, a “public body” must (1) provide reasonable advance notice of the time and location of meetings and (2) meet in open session in a location that is reasonably accessible to attendees. A public body is any

entity that (1) consists of at least two individuals and (2) is created by the Maryland Constitution; a State statute; a county or municipal charter; a memorandum of understanding or a master agreement to which a majority of the county boards of education and the Maryland State Department of Education are signatories; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from the definition of “public body” include juries, the Governor’s cabinet and Executive Council, judicial nominating commissions, and single-member entities, among others.

### *Minutes*

As soon as practicable after each open session, a public body must prepare minutes of the meeting. The minutes must reflect each item that the public body considered, the action it took on each item, and each vote that was recorded. If meeting in closed session, the minutes for a public body’s next open session must include (1) a statement of the time, place, and purpose of the closed session; (2) a record of the vote of each member as to closing the session; (3) the legal authority under which the session was closed; and (4) a listing of the topics discussed, persons present, and each action taken.

Minutes of each meeting must be made available to the public during normal business hours and must be retained by the public body for at least five years. A public body subject to the Open Meetings Act does not need to prepare written minutes of an open session if (1) live and archived video or audio streaming of the open session is available or (2) if individual public votes on legislation taken by members of the public body are posted promptly on the Internet. The bill modifies the latter of the two exceptions.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery, Talbot, and Wicomico counties; cities of Frederick and Havre de Grace; Maryland Municipal League; Office of the Attorney General; Department of Legislative Services

**Fiscal Note History:** First Reader - January 30, 2017  
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