

HOUSE BILL 217

P1
HB 583/15 – HGO

6lr1169

By: **Delegates Krebs, Fisher, Kittleman, and W. Miller**

Introduced and read first time: January 22, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Open Meetings Act – Requirements for Providing Agendas**

3 FOR the purpose of requiring a public body to provide an agenda containing certain
4 information within a certain time before a certain meeting is held by a public body;
5 providing that certain information does not need to be included in a certain agenda;
6 authorizing methods by which a public body may provide a certain agenda;
7 authorizing a public body to provide an agenda within a certain time after a meeting
8 is held under certain circumstances; providing for the construction of this Act; and
9 generally relating to requirements for agendas and the Open Meetings Act.

10 BY adding to
11 Article – General Provisions
12 Section 3–302.1
13 Annotated Code of Maryland
14 (2014 Volume and 2015 Supplement)

15 **Preamble**

16 WHEREAS, Requiring public bodies to provide notice of agenda items promotes open
17 government; and

18 WHEREAS, Public bodies should respect the right of the public to know about
19 government policy–making and regulatory decisions; and

20 WHEREAS, It is the intent of the General Assembly to uphold democracy by making
21 public participation in government deliberations possible; now, therefore,

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

24 **Article – General Provisions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **3-302.1.**

2 (A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BEFORE MEETING
3 IN AN OPEN SESSION, A PUBLIC BODY SHALL PROVIDE TO THE PUBLIC AN AGENDA:

4 (I) CONTAINING AVAILABLE INFORMATION, INCLUDING
5 AVAILABLE DOCUMENTS REGARDING MATTERS TO BE DISCUSSED AT THE PORTION
6 OF THE MEETING THAT IS OPEN; AND

7 (II) INDICATING WHETHER THE PUBLIC BODY EXPECTS TO
8 CLOSE ANY PORTION OF THE MEETING IN ACCORDANCE WITH § 3-305 OF THIS
9 SUBTITLE.

10 (2) IF AN AGENDA HAS BEEN DETERMINED AT THE TIME THE PUBLIC
11 BODY GIVES NOTICE OF THE MEETING UNDER § 3-302 OF THIS SUBTITLE, THE
12 PUBLIC BODY SHALL PROVIDE THE AGENDA AT THE SAME TIME THE PUBLIC BODY
13 PROVIDES NOTICE OF THE MEETING.

14 (3) IF AN AGENDA HAS NOT BEEN DETERMINED AT THE TIME THE
15 PUBLIC BODY GIVES NOTICE OF THE MEETING, THE PUBLIC BODY SHALL PROVIDE
16 THE AGENDA:

17 (I) AS SOON AS IS PRACTICAL AFTER THE AGENDA HAS BEEN
18 DETERMINED; OR

19 (II) AT LEAST 24 HOURS BEFORE THE MEETING.

20 (B) IF A PUBLIC BODY IS UNABLE TO COMPLY WITH THE PROVISIONS OF
21 SUBSECTION (A) OF THIS SECTION BECAUSE THE MEETING WAS SCHEDULED IN
22 RESPONSE TO AN EMERGENCY, NATURAL DISASTER, OR SIMILAR UNANTICIPATED
23 SITUATION, THE PUBLIC BODY SHALL PROVIDE TO THE PUBLIC AN AGENDA OF THE
24 MEETING WITHIN A REASONABLE TIME AFTER THE MEETING OCCURS.

25 (C) A PUBLIC BODY IS NOT REQUIRED TO PROVIDE ANY INFORMATION IN
26 THE AGENDA REGARDING THE SUBJECT MATTER OF THE PORTION OF THE MEETING
27 THAT IS CLOSED IN ACCORDANCE WITH § 3-305 OF THIS SUBTITLE.

28 (D) (1) A PUBLIC BODY REQUIRED TO PROVIDE AN AGENDA UNDER
29 SUBSECTION (A) OF THIS SECTION MAY PROVIDE THE AGENDA USING A METHOD
30 AUTHORIZED FOR GIVING NOTICE UNDER § 3-302(C) OF THIS SUBTITLE.

1 **(2) THE METHOD A PUBLIC BODY USES FOR PROVIDING AN AGENDA**
2 **MAY BE DIFFERENT FROM THE METHOD A PUBLIC BODY USES FOR GIVING NOTICE.**

3 **(E) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PREVENT A PUBLIC**
4 **BODY FROM ALTERING THE AGENDA OF A MEETING AFTER THE AGENDA HAS BEEN**
5 **PROVIDED TO THE PUBLIC.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2016.