

SENATE BILL 529

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SB 879/15 – SRU

6lr1515

By: **Senators Bates, Cassilly, Eckardt, Kelley, Ready, Salling, Serafini, and Waugh**
Introduced and read first time: February 4, 2016
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: April 7, 2016

CHAPTER _____

1 AN ACT concerning

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

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

13 BY adding to
14 Article – General Provisions
15 Section 3–302.1
16 Annotated Code of Maryland
17 (2014 Volume and 2015 Supplement)

18 Preamble

19 WHEREAS, Requiring public bodies to ~~provide~~ make available notice of agenda
20 items promotes open government; and

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

3 WHEREAS, It is the intent of the General Assembly to uphold democracy by ~~making~~
4 ~~public participation in~~ allowing the public to observe government deliberations ~~possible~~;
5 now, therefore,

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

8 **Article – General Provisions**

9 **3-302.1.**

10 (A) (1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BEFORE MEETING
11 IN AN OPEN SESSION, A PUBLIC BODY SHALL ~~PROVIDE~~ MAKE AVAILABLE TO THE
12 PUBLIC AN AGENDA:

13 (I) CONTAINING ~~AVAILABLE INFORMATION REGARDING~~
14 ~~MATTERS KNOWN~~ ITEMS OF BUSINESS OR TOPICS TO BE DISCUSSED AT THE PORTION
15 OF THE MEETING THAT IS OPEN; AND

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

19 (2) IF AN AGENDA HAS BEEN DETERMINED AT THE TIME THE PUBLIC
20 BODY GIVES NOTICE OF THE MEETING UNDER § 3-302 OF THIS SUBTITLE, THE
21 PUBLIC BODY SHALL ~~PROVIDE~~ MAKE AVAILABLE THE AGENDA AT THE SAME TIME IT
22 ~~PROVIDES~~ GIVES NOTICE OF THE MEETING.

23 (3) IF AN AGENDA HAS NOT BEEN DETERMINED AT THE TIME THE
24 PUBLIC BODY GIVES NOTICE OF THE MEETING, THE PUBLIC BODY SHALL ~~PROVIDE~~
25 MAKE AVAILABLE THE AGENDA ~~AT LEAST~~ AS SOON AS PRACTICABLE AFTER THE
26 AGENDA HAS BEEN DETERMINED BUT NO LATER THAN 24 HOURS BEFORE THE
27 MEETING.

28 (B) IF A PUBLIC BODY IS UNABLE TO COMPLY WITH THE PROVISIONS OF
29 SUBSECTION (A) OF THIS SECTION BECAUSE THE MEETING WAS SCHEDULED IN
30 RESPONSE TO AN EMERGENCY, A NATURAL DISASTER, OR SIMILAR ANY OTHER
31 UNANTICIPATED SITUATION, THE PUBLIC BODY SHALL ~~PROVIDE TO THE PUBLIC~~
32 MAKE AVAILABLE ON REQUEST AN AGENDA OF THE MEETING WITHIN A REASONABLE
33 TIME AFTER THE MEETING OCCURS.

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

4 (D) (1) A PUBLIC BODY REQUIRED TO ~~PROVIDE~~ MAKE AVAILABLE AN
5 AGENDA UNDER ~~SUBSECTIONS (A) OR (B)~~ SUBSECTION (A) OF THIS SECTION MAY
6 ~~PROVIDE~~ MAKE AVAILABLE THE AGENDA USING A METHOD AUTHORIZED FOR
7 GIVING NOTICE UNDER § 3-302(C) OF THIS SUBTITLE.

8 (2) THE METHOD A PUBLIC BODY USES FOR ~~PROVIDING~~ MAKING
9 AVAILABLE AN AGENDA MAY BE DIFFERENT FROM THE METHOD A PUBLIC BODY
10 USES FOR GIVING NOTICE.

11 (E) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PREVENT A PUBLIC
12 BODY FROM ALTERING THE AGENDA OF A MEETING AFTER THE AGENDA HAS BEEN
13 MADE AVAILABLE TO THE PUBLIC.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.