

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 879
Rules

(Senator Bates)

Open Meetings Act - Requirements for Providing Agendas

This bill requires a public body to provide the public with a meeting agenda prior to meeting in an open session. The agenda must contain available information regarding matters to be discussed at the meeting and must indicate whether the public body expects to close any portion of the meeting. If the agenda has been determined at the time the public body gives notice of the meeting, the agenda must be provided at the same time as the notice; if an agenda has not yet been determined, the public body must provide the agenda at least 24 hours before the meeting. The agenda does not have to contain any information pertaining to the closed portion of a meeting. The agenda may be provided by any authorized method for giving notice, although the method of notice may differ from the method of providing the agenda.

Fiscal Summary

State Effect: The bill's changes can be handled with existing budgeted resources. State agencies generally advise that the bill's requirements are already being met.

Local Effect: The bill's changes can be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: Under Maryland's Open Meetings Act, with limited exceptions, a "public body" must (1) provide adequate 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 local 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, and single-member entities.

Before meeting in open or closed session, a public body must provide reasonable advance notice of the session. Whenever reasonable, the advance notice must be in writing; include the date, time, and place of the session; and, if appropriate, include a statement that a part or all of a meeting may be conducted in closed session. This notice may be made by publication in the Maryland Register, delivery to members of the news media, by posting notice at a convenient public location near the place of the session, on a website ordinarily used by the body, or by other reasonable means. The body may only give notice by posting in a public place or on a website if it had previously given public notice that this method would be used.

Additional Information

Prior Introductions: HB 157 of 2014, a similar bill, passed the House and the Senate on second reading, but no further action was taken. Its cross file, SB 847, passed the Senate and was referred to the House Health and Government Operations Committee, but no further action was taken.

Cross File: HB 583 (Delegate Krebs, *et al.*) - Health and Government Operations.

Information Source(s): Baltimore City, cities of Bowie and Takoma Park, Howard and Montgomery counties, Maryland Department of Agriculture, Maryland Department of the Environment, Department of Natural Resources, Department of Housing and Community Development, Department of Health and Mental Hygiene, Maryland Department of Transportation, University System of Maryland, Department of Legislative Services

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min/hlb

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