

HOUSE BILL 217

P1
HB 583/15 – HGO

6lr1169

By: ~~Delegates Krebs, Fisher, Kittleman, and W. Miller~~ W. Miller, Hammen, Angel, Barron, Bromwell, Cullison, Hayes, Hill, Kelly, Kipke, McDonough, McMillan, Miele, Morgan, Morhaim, Oaks, Pena-Melnyk, Pendergrass, Rose, Saab, Sample-Hughes, West, and K. Young

Introduced and read first time: January 22, 2016
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 15, 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; providing that certain information does not need to be included in a certain
6 agenda; authorizing methods by which a public body may ~~provide~~ make available a
7 certain agenda; authorizing a public body to ~~provide~~ make available an agenda
8 within a certain time after a meeting is held under certain circumstances; providing
9 for the construction of this Act; and generally relating to requirements for agendas
10 and the Open Meetings Act.

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

16 Preamble

17 WHEREAS, Requiring public bodies to ~~provide~~ make available notice of agenda
18 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, INCLUDING~~
14 ~~AVAILABLE DOCUMENTS REGARDING MATTERS~~ KNOWN ITEMS OF BUSINESS OR
15 TOPICS TO BE DISCUSSED AT THE PORTION 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
22 THE PUBLIC BODY ~~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; AS SOON AS PRACTICABLE AFTER THE AGENDA HAS
26 BEEN DETERMINED BUT NO LATER THAN 24 HOURS BEFORE THE MEETING.

27 (I) ~~AS SOON AS IS PRACTICAL AFTER THE AGENDA HAS BEEN~~
28 ~~DETERMINED; OR~~

29 (II) ~~AT LEAST 24 HOURS BEFORE THE MEETING.~~

30 (B) IF A PUBLIC BODY IS UNABLE TO COMPLY WITH THE PROVISIONS OF
31 SUBSECTION (A) OF THIS SECTION BECAUSE THE MEETING WAS SCHEDULED IN
32 RESPONSE TO AN EMERGENCY, A NATURAL DISASTER, OR ~~SIMILAR~~ ANY OTHER
33 UNANTICIPATED SITUATION, THE PUBLIC BODY SHALL ~~PROVIDE TO THE PUBLIC~~

1 MAKE AVAILABLE ON REQUEST AN AGENDA OF THE MEETING WITHIN A REASONABLE
2 TIME AFTER THE MEETING OCCURS.

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.