

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

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 except under certain circumstances; requiring a public body to provide an agenda of
6 a certain meeting within a certain time after the meeting occurs under certain
7 circumstances; providing that certain information does not need to be included in a
8 certain agenda; authorizing methods by which a public body may provide a certain
9 agenda; and generally relating to requirements for agendas and the Open Meetings
10 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 notice of agenda items promotes open
18 government; and

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – General Provisions

3-302.1.

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

(I) CONTAINING AVAILABLE INFORMATION REGARDING MATTERS TO BE DISCUSSED AT THE PORTION OF THE MEETING THAT IS OPEN; AND

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

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

(3) IF AN AGENDA HAS NOT BEEN DETERMINED AT THE TIME THE PUBLIC BODY GIVES NOTICE OF THE MEETING, THE PUBLIC BODY SHALL PROVIDE THE AGENDA AT LEAST 24 HOURS BEFORE THE MEETING.

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

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

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

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

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