

Chapter 255

(House Bill 217)

AN ACT concerning

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

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

BY adding to

Article – General Provisions
Section 3–302.1
Annotated Code of Maryland
(2014 Volume and 2015 Supplement)

Preamble

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

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

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

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

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~~ MAKE AVAILABLE TO THE PUBLIC AN AGENDA:

(I) ~~CONTAINING AVAILABLE INFORMATION, INCLUDING AVAILABLE DOCUMENTS REGARDING MATTERS~~ KNOWN ITEMS OF BUSINESS OR TOPICS 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~~ MAKE AVAILABLE THE AGENDA AT THE SAME TIME THE PUBLIC BODY ~~PROVIDES~~ GIVES 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~~ MAKE AVAILABLE THE AGENDA; AS SOON AS PRACTICABLE AFTER THE AGENDA HAS BEEN DETERMINED BUT NO LATER THAN 24 HOURS BEFORE THE MEETING.

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

~~(II) 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, A NATURAL DISASTER, OR SIMILAR ANY OTHER UNANTICIPATED SITUATION, THE PUBLIC BODY SHALL ~~PROVIDE TO THE PUBLIC~~ MAKE AVAILABLE ON REQUEST AN AGENDA OF THE MEETING WITHIN A REASONABLE TIME AFTER THE MEETING OCCURS.

(C) A PUBLIC BODY IS NOT REQUIRED TO ~~PROVIDE~~ MAKE AVAILABLE 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~~ MAKE AVAILABLE AN AGENDA UNDER SUBSECTION (A) OF THIS SECTION MAY ~~PROVIDE~~ MAKE AVAILABLE 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~~ MAKING AVAILABLE AN AGENDA MAY BE DIFFERENT FROM THE METHOD A PUBLIC BODY USES FOR GIVING NOTICE.

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

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

Approved by the Governor, April 26, 2016.