

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 217

(Delegate Krebs, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Open Meetings Act - Requirements for Agendas

This bill requires a public body to make an agenda available to the public prior to meeting in an open session, subject to specified conditions. The agenda must contain known items of business or topics to be discussed at the meeting and must indicate whether the public body expects to close any portion of the meeting. The agenda does not have to contain any information pertaining to the closed portion of a meeting. The bill establishes provisions regarding when and how an agenda must be made publicly available. An agenda may be altered after it has been made available to the public.

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

Bill Summary: If the agenda has been determined at the time the public body gives notice of the meeting, the agenda must be made available at the same time as the notice. If an agenda has not yet been determined at that time, the public body must make the agenda available as soon as practicable after the agenda has been determined but no later than 24 hours before the meeting. If a public body is unable to comply with those deadlines because the meeting is scheduled in response to an emergency or any other unanticipated situation, the public body must make available, on request, an agenda within a reasonable time after the meeting occurs.

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 county 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, judicial nominating commissions, and single-member entities, among others.

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 583 of 2015, a similar bill, received a hearing in the House Health and Government Operations Committee, but no further action was taken. Its cross file, SB 879, was referred to the Senate Rules Committee, but no further action was taken. 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: None.

Information Source(s): Baltimore City; Kent, Montgomery, Washington, and Worcester counties; Maryland Department of Aging; Office of the Attorney General; Maryland State Department of Education; Maryland Higher Education Commission; University System of Maryland; Maryland Department of Agriculture; Maryland Department of the Environment; Department of Health and Mental Hygiene; Department of Housing and Community Development; Department of Labor, Licensing, and Regulation; Department of Natural Resources; Board of Public Works; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 23, 2016
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