

HOUSE BILL 1088

P3

6lr2470
CF SB 754

By: **Delegates Cullison, A. Miller, and Morales**

Introduced and read first time: February 11, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Open Meetings Act – Annual Reporting Requirement, Enforcement, and**
3 **Training**

4 FOR the purpose of altering the annual reporting requirement of the State Open Meetings
5 Law Compliance Board to require that certain data on complaints and violations be
6 reported; authorizing the Board under certain circumstances to issue certain orders
7 and impose certain civil penalties not to exceed certain amounts; repealing certain
8 provisions of law rendered obsolete by this Act; expanding the scope of the training
9 requirements under the Open Meetings Act to include all officers of a public body;
10 requiring that officers of a public body complete certain training within a certain
11 time period after becoming an officer and every certain number of years thereafter;
12 requiring a public body to report certain open meetings training information to the
13 Board; requiring the Office of the Attorney General to post certain open meetings
14 training information on its Web site; requiring certain officers of public bodies to
15 complete certain training by a certain date; and generally relating to enforcement,
16 the annual reporting requirements, and training under the Open Meetings Act.

17 BY repealing and reenacting, with amendments,
18 Article – General Provisions
19 Section 3–204(e), 3–211, and 3–213
20 Annotated Code of Maryland
21 (2014 Volume and 2015 Supplement)

22 BY repealing
23 Article – General Provisions
24 Section 3–209 and 3–210
25 Annotated Code of Maryland
26 (2014 Volume and 2015 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – General Provisions**

2 3–204.

3 (e) (1) On or before October 1 of each year, the Board shall submit an annual
4 report to the Governor and, subject to § 2–1246 of the State Government Article, the
5 General Assembly.

6 (2) The report shall:

7 (i) describe the activities of the Board;

8 (ii) describe the opinions of the Board;

9 (iii) state the number and nature of complaints filed with the Board
10 and discuss complaints that reasonable notice of a meeting was not given; [and]

11 **(IV) STATE THE TOP ISSUES IDENTIFIED IN THE COMPLAINTS;**

12 **(V) IDENTIFY THE PUBLIC BODIES:**

13 **1. WHOSE ACTIONS WERE THE BASIS OF A HIGH NUMBER**
14 **OF COMPLAINTS; AND**

15 **2. THAT WERE FOUND BY THE BOARD TO BE IN**
16 **VIOLATION OF THE OPEN MEETINGS LAW; AND**

17 **[(iv)] (VI) recommend any improvements to this title.**

18 [3–209.

19 The opinions of the Board are advisory only.]

20 [3–210.

21 Except as provided in § 3–211 of this subtitle, the Board may not require or compel
22 any specific actions by a public body.]

23 3–211.

24 (a) If the Board determines that a violation of this title has occurred:

25 **(1) THE BOARD MAY:**

1 **(I) ISSUE AN ORDER THAT REQUIRES THE PUBLIC BODY TO**
2 **TAKE CORRECTIVE ACTION; AND**

3 **(II) IMPOSE A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED:**

4 **1. \$250 FOR THE FIRST VIOLATION; AND**

5 **2. \$1,000 FOR EACH SUBSEQUENT VIOLATION; AND**

6 **[(1)] (2) (I)** at the next open meeting of the public body after the Board
7 has issued its opinion, a member of the public body shall announce the violation and orally
8 summarize the opinion; and

9 **[(2)] (II)** a majority of the members of the public body shall sign a copy of
10 the opinion and return the signed copy to the Board.

11 (b) The public body may not designate its counsel or another representative to
12 provide the announcement and summary **REQUIRED UNDER SUBSECTION (A)(2) OF**
13 **THIS SECTION.**

14 (c) Compliance by a public body or a member of a public body with subsections
15 (a) and (b) of this section:

16 (1) is not an admission to a violation of this title by the public body; and

17 (2) may not be used as evidence in a proceeding conducted in accordance
18 with § 3-401 of this title.

19 3-213.

20 (a) **[Each public body shall:**

21 (1) designate at least one individual who is an employee, an officer, or a
22 member of the public body to receive training on the requirements of the open meetings
23 law; and

24 (2) forward a list of the individuals designated under item (1) of this
25 subsection to the Board.

26 (b) Within 90 days after being designated under subsection (a)(1) of this section,
27 an individual] **EACH OFFICER OF A PUBLIC BODY** shall complete:

28 (1) an online class on the requirements of the open meetings law offered by
29 the Office of the Attorney General and the University of Maryland's Institute for
30 Governmental Service and Research; or

1 (2) a class on the requirements of the open meetings law offered by the
2 Maryland Association of Counties or the Maryland Municipal League through the Academy
3 for Excellence in Local Governance.

4 **(B) AN OFFICER OF A PUBLIC BODY SHALL COMPLETE THE TRAINING**
5 **REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:**

6 **(1) WITHIN 60 DAYS AFTER BECOMING AN OFFICER OF A PUBLIC**
7 **BODY; AND**

8 **(2) EVERY 2 YEARS THEREAFTER.**

9 **(C) (1) EACH PUBLIC BODY SHALL REPORT TO THE BOARD:**

10 **(I) THE NAME OF EACH OFFICER WHO COMPLETED THE**
11 **TRAINING REQUIRED UNDER THIS SECTION; AND**

12 **(II) THE DATE EACH OFFICER COMPLETED THE TRAINING.**

13 **(2) THE OFFICE OF THE ATTORNEY GENERAL SHALL POST ON ITS**
14 **WEB SITE THE NAMES AND DATES REPORTED BY THE BOARD UNDER PARAGRAPH**
15 **(1) OF THIS SUBSECTION.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That an individual who is an officer
17 of a public body on the effective date of this Act shall comply with § 3–213 of the General
18 Provisions Article, as enacted by Section 1 of this Act, on or before November 30, 2016.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2016.