

# HOUSE BILL 823

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CF SB 598

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By: **Delegates Morales, Angel, Barkley, Barron, Barve, Carr, Cullison, Dumais, Fraser-Hidalgo, Frick, Gutierrez, Hayes, Hixson, Kelly, Korman, Kramer, Luedtke, A. Miller, Moon, Platt, Reznik, S. Robinson, Smith, and Waldstreicher**

Introduced and read first time: February 8, 2016

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **General Provisions – Open Meetings Act – Enforcement and Training**

3 FOR the purpose of authorizing the State Open Meetings Law Compliance Board, under  
4 certain circumstances, to issue certain orders and impose certain civil penalties not  
5 to exceed a certain amount; repealing certain provisions of law rendered obsolete by  
6 this Act; expanding the scope of the training requirements under the Open Meetings  
7 Act to include all employees, officials, and members of a public body; requiring  
8 certain individuals to complete certain training within certain periods of time;  
9 making conforming changes; and generally relating to enforcement and training  
10 under the Open Meetings Act.

11 BY repealing

12 Article – General Provisions  
13 Section 3–209 and 3–210  
14 Annotated Code of Maryland  
15 (2014 Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,

17 Article – General Provisions  
18 Section 3–211 and 3–213  
19 Annotated Code of Maryland  
20 (2014 Volume and 2015 Supplement)

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

23 **Article – General Provisions**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [3-209.

2 The opinions of the Board are advisory only.]

3 [3-210.

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

6 3-211.

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

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

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

11 **(II) IMPOSE AN APPROPRIATE CIVIL PENALTY IN AN AMOUNT**  
12 **NOT TO EXCEED \$500 FOR EACH VIOLATION; AND**

13 **[(1)] (2) (I)** at the next open meeting of the public body after the Board  
14 has issued its opinion, a member of the public body shall announce the violation and orally  
15 summarize the opinion; and

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

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

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

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

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

26 3-213.

27 (a) Each [public body shall:

1           (1) designate at least one] individual who is an employee, an officer, or a  
2 member of [the] A public body [to receive training on the requirements of the open meetings  
3 law; and

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

6           (b) Within 90 days after being designated under subsection (a)(1) of this section,  
7 an individual] shall complete:

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

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

14           **(B) AN INDIVIDUAL SHALL COMPLETE THE TRAINING REQUIRED UNDER**  
15 **SUBSECTION (A) OF THIS SECTION WITHIN 90 DAYS AFTER THE INDIVIDUAL**  
16 **BECOMES AN EMPLOYEE, AN OFFICIAL, OR A MEMBER OF A PUBLIC BODY.**

17           SECTION 2. AND BE IT FURTHER ENACTED, That an individual who is an  
18 employee, an official, or a member of a public body on the effective date of this Act shall  
19 comply with § 3-213(a) of the General Provisions Article, as enacted by Section 1 of this  
20 Act, on or before September 30, 2017.

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