

HOUSE BILL 140

P1

3lr1071

By: **Delegate O'Donnell**

Introduced and read first time: January 17, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Open Meetings Act – Penalty**

3 FOR the purpose of altering a provision of law governing the penalty for a violation of
4 the Open Meetings Act; requiring the Open Meetings Compliance Board to
5 include any suggestions the Board has concerning the penalties for violations of
6 the Open Meetings Act in a certain annual report to the Governor and the
7 General Assembly; requiring the Attorney General, in collaboration with the
8 Board, to adopt regulations to establish additional penalties for certain
9 violations of the Open Meetings Act; and generally relating to the penalty for a
10 violation of the Open Meetings Act.

11 BY repealing and reenacting, without amendments,
12 Article – State Government
13 Section 10–502(a) and (d), 10–502.1, and 10–502.4(c)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2012 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Government
18 Section 10–502.4(e) and 10–511
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2012 Supplement)

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

23 **Article – State Government**

24 10–502.

25 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) "Board" means the State Open Meetings Law Compliance Board.

2 10-502.1.

3 There is a State Open Meetings Law Compliance Board.

4 10-502.4.

5 (c) The Board shall study ongoing compliance with the provisions of this
6 subtitle by public bodies and make recommendations to the General Assembly for
7 improvements in this subtitle.

8 (e) (1) On or before October 1 of each year, the Board shall submit an
9 annual report to the Governor and the General Assembly in accordance with § 2-1246
10 of this article.

11 (2) The report shall include a description of:

12 (i) the activities of the Board;

13 (ii) the opinions of the Board in any cases brought before it;

14 (iii) the number and nature of complaints filed with the Board,
15 including a discussion of complaints concerning the reasonableness of the notice
16 provided for meetings; and

17 (iv) any recommendations for improvements to the provisions of
18 this subtitle, **INCLUDING ANY ADJUSTMENT IN THE PENALTY FOR A VIOLATION**
19 **OF THIS SUBTITLE.**

20 10-511.

21 **(A) [A] SUBJECT TO SUBSECTION (B) OF THIS SECTION, A** member of a
22 public body who willfully participates in a meeting of the body with knowledge that
23 the meeting is being held in violation of the provisions of this subtitle is subject to a
24 civil penalty not to exceed \$100.

25 **(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, IN**
26 **COLLABORATION WITH THE BOARD, THE ATTORNEY GENERAL SHALL ADOPT**
27 **REGULATIONS TO ESTABLISH A RANGE OF ADDITIONAL PENALTIES FOR**
28 **VIOLATIONS OF THIS SUBTITLE SO THAT ANY PENALTY TAKES INTO ACCOUNT**
29 **THE NATURE AND SEVERITY OF THE IMPROPER ACTION THAT RESULTS IN A**
30 **VIOLATION OF THIS SUBTITLE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2013.