SENATE BILL 754

By: Senators Raskin, Bates, Feldman, Lee, Madaleno, and Manno
Introduced and read first time: February 5, 2016
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Open Meetings Act – Annual Reporting Requirement, Enforcement, and Training

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Article – General Provisions

3–204.

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

(2) The report shall:

(i) describe the activities of the Board;
(ii) describe the opinions of the Board;
(iii) state the number and nature of complaints filed with the Board and discuss complaints that reasonable notice of a meeting was not given; [and]

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

(V) IDENTIFY THE PUBLIC BODIES:

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

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

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

[3–209.

The opinions of the Board are advisory only.]


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

3–211.

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

(1) THE BOARD MAY:
(I) ISSUE AN ORDER THAT REQUIRES THE PUBLIC BODY TO TAKE CORRECTIVE ACTION; AND

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

1. $250 FOR THE FIRST VIOLATION; AND

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

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

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

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

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

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

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

3–213.

(a) [Each public body shall:

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

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

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

(1) an online class on the requirements of the open meetings law offered by the Office of the Attorney General and the University of Maryland’s Institute for Governmental Service and Research; or
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(2) a class on the requirements of the open meetings law offered by the Maryland Association of Counties or the Maryland Municipal League through the Academy for Excellence in Local Governance.

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

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

(2) EVERY 2 YEARS THEREAFTER.

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

(i) THE NAME OF EACH OFFICER WHO COMPLETED THE TRAINING REQUIRED UNDER THIS SECTION; AND

(ii) THE DATE EACH OFFICER COMPLETED THE TRAINING.

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

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

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