

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 396

(Senator Conway)

Education, Health, and Environmental Affairs

Health and Government Operations

Open Meetings Act - Training - Application

This bill clarifies that specified requirements in the Open Meetings Act apply *only* to a public body that meets in closed session on or after October 1, 2017. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: None. The bill clarifies current law.

Local Effect: None. The bill clarifies current law.

Small Business Effect: None.

Analysis

Current Law: Each public body must designate at least one of its employees, officers, or members to receive training on the requirements of the open meetings law; anyone so designated by a public body must complete a class on the open meetings law within 90 days of being designated.

Beginning October 1, 2017, a public body may not meet in *open* session unless a person designated for training is present in the meeting. If at least one such individual cannot be present at an open meeting of the public body, the body must complete a specified compliance checklist developed by the Office of the Attorney General (OAG) and include the checklist in the meeting minutes. Also, the public body may not meet in *closed* session unless at least one member of the body has been designated to receive training on the requirements of the open meetings law.

These restrictions, however, do not apply to a public body that is in the Judicial Branch of State government or subject to governance by the Court of Appeals.

The State Open Meetings Law Compliance Board, in conjunction with OAG, must develop and conduct educational programs and distribute educational materials outlining the requirements of the Open Meetings Act to public bodies, the Maryland Municipal League, the Maryland Association of Counties, and the Maryland Association of Boards of Education.

Under Maryland's Open Meetings Act, with limited exceptions, a "public body" must (1) provide reasonable advance notice of the time and location of meetings, including whether any portion of the meeting will be in closed session 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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Association of Counties; Maryland Municipal League; University System of Maryland; State Ethics Commission; Department of Legislative Services

Fiscal Note History: First Reader - February 12, 2018
nb/mcr Third Reader - February 27, 2018

Analysis by: Michelle Davis

Direct Inquiries to:
(410) 946-5510
(301) 970-5510