

**SB0695/386684/1**

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 695  
(Third Reading File Bill)

AMENDMENT NO.1

On page 1, strike beginning with “authorizing” in line 11 down through “sites;” in line 12.

On page 2, in line 20, strike “comply” and substitute “produce a public record in accordance”; in line 22, after “dispute” insert “unless the custodian complies with a certain provision of law and is working with a certain applicant in good faith”; in line 35, strike “provide cert \_\_\_\_\_ ain proof” and substitute “demonstrate”; in line 36, after “Ombudsman” insert “certain applicability or harm”; and in line 37, after “exemption;” insert “authorizing a complainant or custodian to appeal a certain decision to a certain circuit court;”.

On page 3, in line 7, strike “and 4-301;” and substitute “4-301;”; and in the same line, after “4-362” insert a semicolon.

AMENDMENT NO. 2

On page 8, strike in their entirety lines 9 through 11, inclusive, and substitute:

**“(2) (I) ONE MEMBER OF THE BOARD SHALL BE A REPRESENTATIVE;”**

in lines 13, 15, 17, 19, 20, 21, 23, and 25, strike “**(I)**”, “**(II)**”, “**(III)**”, “**(4)**”, “**(I)**”, “**(II)**”, “**(III)**”, and “**(5)**”, respectively, and substitute “**1.**”, “**2.**”, “**3.**”, “**(II)**”, “**1.**”, “**2.**”, “**3.**”, and “**(4)**”, respectively; in line 19, strike “**WHO**” and substitute “**SHALL**”; in lines 20 and 21, in each instance, strike “**HAS**” and substitute “**HAVE**”; in line 23, strike “**IS**” and substitute “**BE**”; and after line 24, insert:

(Over)

“(III) 1. THREE MEMBERS OF THE BOARD SHALL BE PRIVATE CITIZENS OF THE STATE.

2. A PRIVATE CITIZEN MEMBER OF THE BOARD MAY NOT BE:

A. A CUSTODIAN OF A PUBLIC RECORD;

B. A MEMBER OF THE NEWS MEDIA; OR

C. A STAFF MEMBER OR SPOKESPERSON FOR AN ORGANIZATION THAT REPRESENTS THE INTERESTS OF CUSTODIANS OR APPLICANTS FOR PUBLIC RECORDS.

(3) AT LEAST ONE MEMBER OF THE BOARD SHALL BE AN ATTORNEY ADMITTED TO THE MARYLAND BAR.”.

On page 9, in line 14, strike beginning with “AND” through “SITE”; and in lines 17, 19, 20, and 23, strike “(1)”, “(2)”, “(6)”, and “(5)”, respectively, and substitute “1.”, “2.”, “5)”, and “(4)”, respectively.

On page 16, strike beginning with “§ 10-222” in line 4 down through “ARTICLE” in line 5 and substitute “§ 4-362 OF THIS TITLE”.

On page 17, strike beginning with the second “AND” in line 7 down through “SITE” in line 8.

AMENDMENT NO. 3

On page 18, in line 4, after “(B)” insert “(1)”; in line 5, after “NOT” insert “:”

(1);

in the same line, after “RECORDS” insert “OR REDACTED INFORMATION”; and in line 6, after “CUSTODY” insert “TO THE OMBUDSMAN OR AN APPLICANT; OR

(ii) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, DISCLOSE INFORMATION RECEIVED FROM AN APPLICANT OR CUSTODIAN WITHOUT WRITTEN CONSENT FROM THE APPLICANT AND CUSTODIAN.

(2) THE OMBUDSMAN MAY DISCLOSE INFORMATION RECEIVED FROM AN APPLICANT OR CUSTODIAN TO THE ASSISTANT ATTORNEY GENERAL ASSIGNED TO THE OFFICE OF THE OMBUDSMAN”.

On page 19, strike beginning with “IF” in line 9 down through “DISPUTE” in line 11 and substitute “FAILURE TO PRODUCE THE PUBLIC RECORD IN ACCORDANCE WITH THIS SUBSECTION CONSTITUTES A DENIAL OF AN APPLICATION THAT MAY NOT BE CONSIDERED THE RESULT OF A BONA FIDE DISPUTE UNLESS THE CUSTODIAN HAS COMPLIED WITH PARAGRAPH (2) OF THIS SUBSECTION AND IS WORKING WITH THE APPLICANT IN GOOD FAITH”; in line 19, strike “, INCLUDING” and substitute “AND,”; in line 20, after “TITLE” insert a comma; in the same line, strike “HOW THE”; and strike beginning with “OFFICIAL” in line 22 down through “RECORD” in line 24 and substitute “WHY THE DENIAL IS NECESSARY”.

AMENDMENT NO. 4

On page 23, in line 13, strike “PROVE” and substitute “DEMONSTRATE”.

On page 24, in line 1, after “(a)” insert “(1)”; in the same line, strike “Whenever” and substitute “SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, WHENEVER”;

(Over)

strike beginning with “for” in line 3 down through “located” in line 6; and after line 6, insert:

**“(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A COMPLAINANT OR CUSTODIAN MAY APPEAL TO THE CIRCUIT COURT A DECISION ISSUED BY THE STATE PUBLIC INFORMATION ACT COMPLIANCE BOARD AS PROVIDED UNDER § 4-1A-10 OF THIS TITLE.**

**(3) A COMPLAINT OR AN APPEAL UNDER THIS SUBSECTION SHALL BE FILED WITH THE CIRCUIT COURT FOR THE COUNTY WHERE:**

**(I) THE COMPLAINANT RESIDES OR HAS A PRINCIPAL PLACE OF BUSINESS; OR**

**(II) THE PUBLIC RECORD IS LOCATED.”.**

**AMENDMENT NO. 5**

On page 26, strike beginning with “on” in line 6 down through “2016,” in line 7; in line 9, strike “report” and substitute “submit an interim report on or before December 31, 2016, on its preliminary findings and a final report on or before December 31, 2017.”; in line 13, after “whether” insert “the neutrality and”; after line 21, insert:

**“(4) an analysis of the denial process used by custodians;”;**

in lines 22 and 25, strike “(4)” and “(5)”, respectively, and substitute “(5)” and “(6)”, respectively; strike beginning with the first “the” in line 22 down through “business” in line 23 and substitute “an analysis of requested public records”; in line 25, strike “whether the application” and substitute “an analysis”; in the same line, after “law” insert “exemptions”; and strike beginning with the first “to” in line 26 down through “Act” in line 27.