

**HB0823/296484/1**

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 823

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “Waldstreicher, Hammen, Hill, McMillan, Morhaim, Oaks, Pena-Melnyk, Sample-Hughes, West, and K. Young”; in line 2, strike “Enforcement” and substitute “Annual Reporting Requirement, Web Site Postings,”; in line 3, strike “authorizing” and substitute “altering the annual reporting requirement of”; strike beginning with the comma in line 3 down through “changes” in line 9 and substitute “to require that certain information on certain violations be reported; requiring the Board to post certain information on a certain Web site; altering the scope of the training requirements under the Open Meetings Act to require the designation of at least a certain number of members with authority to close a meeting to receive the training; requiring that certain designated individuals attend certain meetings or that certain public bodies include a certain checklist in certain minutes; requiring the Board to collaborate with certain entities to implement a process for reporting the names of individuals who take a certain class and develop a certain list of contacts; requiring the Board to report to certain committees of the General Assembly on or before a certain date; defining a certain term”; in line 9, strike “enforcement” and substitute “the annual reporting requirement, Web site postings,”; strike in their entirety lines 11 through 15, inclusive, and substitute:

“BY adding to

Article - General Provisions

Section 3-101(d-1)

Annotated Code of Maryland

(2014 Volume and 2015 Supplement)”;

and in line 18, strike “3-211 and 3-213” and substitute “3-204(d) and (e), 3-211, and 3-213”.

(Over)

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AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 5, inclusive, and substitute:

“3-101.

**(D-1) “CLASS ON THE OPEN MEETINGS LAW” MEANS:**

**(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**

**(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.**

3–204.

(d) The Board, in conjunction with the Office of the Attorney General and other interested organizations or persons, shall develop and conduct educational programs AND DISTRIBUTE EDUCATIONAL MATERIALS on the requirements of the open meetings law for the staffs and attorneys of:

- (1) public bodies;
- (2) the Maryland Municipal League; and
- (3) the Maryland Association of Counties.

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(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) IDENTIFY THE PROVISIONS OF THIS TITLE THAT THE BOARD HAS FOUND A PUBLIC BODY TO HAVE VIOLATED AND THE NUMBER OF TIMES EACH PROVISION HAS BEEN VIOLATED;**

**(V) IDENTIFY EACH PUBLIC BODY THAT THE BOARD HAS FOUND TO HAVE VIOLATED A PROVISION OF THIS TITLE; AND**

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

strike in their entirety lines 8 through 12, inclusive; in lines 13 and 16, in each instance, strike the brackets; in line 13, strike “(2) (I)”; in line 16, strike “(II)”; strike beginning with “REQUIRED” in line 19 down through “SECTION” in line 20; after line 25, insert:

**“(D) IF THE BOARD DETERMINES THAT A PUBLIC BODY HAS VIOLATED A PROVISION OF THIS TITLE, THE BOARD SHALL POST ON THE MARYLAND OPEN MEETINGS ACT PAGE OF THE OFFICE OF THE ATTORNEY GENERAL WEB SITE THE NAME OF THE PUBLIC BODY AND THE OPINION THAT DESCRIBES THE VIOLATION.”;**

(Over)

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in line 27, strike the bracket; and in the same line, strike the colon.

AMENDMENT NO. 3

On page 3, in lines 1, 2, and 7, strike the brackets; in line 1, strike “(1)”; in the same line, strike “individual who is an employee, an officer, or a”; in line 2, strike “A”; in the same line, after “body” insert “WITH THE AUTHORITY TO CLOSE A MEETING”; strike beginning with the semicolon in line 3 down through “Board” in line 5; in line 6, after “(b)” insert “(1)”; in the same line, strike “(a)(1)” and substitute “(A)”; in line 7, strike the colon and substitute “A CLASS ON THE OPEN MEETINGS LAW.”; strike in their entirety lines 8 through 20, inclusive, and substitute:

**“(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AT LEAST ONE INDIVIDUAL DESIGNATED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE PRESENT AT EACH OPEN MEETING OF THE PUBLIC BODY.**

**“(II) IF AN INDIVIDUAL DESIGNATED UNDER SUBSECTION (A) OF THIS SECTION CANNOT BE PRESENT AT AN OPEN MEETING OF THE PUBLIC BODY, THE PUBLIC BODY SHALL COMPLETE THE COMPLIANCE CHECKLIST FOR MEETINGS SUBJECT TO THE MARYLAND OPEN MEETINGS ACT DEVELOPED BY THE OFFICE OF THE ATTORNEY GENERAL AND INCLUDE THE COMPLETED CHECKLIST IN THE MINUTES FOR THE MEETING.**

SECTION 2. AND BE IT FURTHER ENACTED, That the Open Meetings Compliance Board shall:

(1) collaborate with the University of Maryland’s Institute for Governmental Service and Research, the Maryland Association of Counties, and the Maryland Municipal League to:

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(i) implement a process for reporting to the Board the names of individuals who complete a class on the open meetings law as required by § 3-213 of the General Provisions Article, as enacted by Section 1 of this Act, including the public body the individual is affiliated with; and

(ii) develop a list of contacts for public bodies to whom the Board may send educational materials, the Compliance Checklist for Meetings Subject to the Maryland Open Meetings Act, the Board's annual report, and any other information the Board determines would be useful to a public body in assisting compliance with the Open Meetings Act; and

(2) on or before December 1, 2016, report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on the results of the collaboration required under item (1) of this section."

and in line 22, strike "October" and substitute "July".