

Department of Legislative Services  
Maryland General Assembly  
2016 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 528 (Senator Bates, *et al.*)  
Education, Health, and Environmental Affairs

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General Provisions - Open Meetings Act - Required Training and Certificate of Compliance

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This bill requires each employee, official, or member of a public body to complete a specified class on the requirements of the Open Meetings Act within 30 days of employment or membership unless the individual received the training within the preceding four years. The Office of the Attorney General (OAG) must provide in-person training on the Open Meetings Act to members of the General Assembly before the tenth day of the first regular legislative session of each term.

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially affect State finances, as discussed below.

**Local Effect:** Local governments can likely comply with the bill's requirements with existing resources.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** Within 30 days of the successful completion of training, the individual conducting the training must issue a certificate of compliance, containing specified information, to individuals who complete the training. Within 10 days of receiving a certificate of compliance, an employee, official, or member of a public body must submit the certificate to the public body or, in the case of a member of the General Assembly, submit the certificate to the General Assembly.

Certificates of compliance must be made available to the public for examination and copying. Each public body and the General Assembly must post on their websites a list of individuals who have completed training and update the list monthly.

**Current Law:** Under Maryland’s Open Meetings Act, with limited exceptions, a “public body” must (1) provide adequate notice of the time and location of meetings 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.

The State Open Meetings Law Compliance Board is required to receive, review, and resolve complaints from any person alleging a violation of the Open Meetings Act, issue a written opinion as to whether a violation has occurred, and ensure compliance with the Open Meetings Act. The board, in conjunction with the Office of the Attorney General, must develop and conduct educational programs on the requirements of the open meetings law for the staffs and attorneys of public bodies, the Maryland Municipal League (MML), and the Maryland Association of Counties (MACO).

Each public body must (1) designate at least one of its employees, officers, or members to receive training on the requirements of the open meetings law and (2) forward a list of designated individuals to the State Open Meetings Law Compliance Board. Within 90 days after designation, a designated individual must complete either (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 MACO or MML through the Academy for Excellence in Local Governance.

**Background:** The [2015 Annual Report of the Open Meetings Compliance Board](#) reports there were 34 new complaints submitted during fiscal 2015.

**State Fiscal Effect:** The University of Maryland’s Institute for Governmental Service and Research provides the online training class to the public at no charge, so requiring all employees, officials, or members of a public body to complete that class, or one offered by MML or MACO, has no material fiscal impact. However, public bodies experience an operational impact to have these individuals take the training class, track those that

complete the training, and post the list on their websites. OAG can provide in-person training to members of the General Assembly with existing resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 250 (Delegate W. Miller, *et al.*) - Health and Government Operations.

**Information Source(s):** Maryland Department of Aging; Department of Commerce; Maryland Association of Counties; Maryland Municipal League; Office of the Attorney General; Maryland State Department of Education; Maryland Higher Education Commission; University System of Maryland; Maryland Department of Agriculture; Department of Budget and Management; Department of Disabilities; Maryland Department of the Environment; Department of General Services; Department of Health and Mental Hygiene; Department of Human Resources; Department of Juvenile Services; Department of Labor, Licensing, and Regulation; Department of Natural Resources; Maryland Department of Planning; Department of Public Safety and Correctional Services; Board of Public Works; Department of State Police; Maryland Department of Transportation; Department of Veterans Affairs; Maryland State Lottery and Gaming Control Agency; Maryland State Retirement Agency; Department of Legislative Services

**Fiscal Note History:** First Reader - February 23, 2016  
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