

**HB0880/916087/1**

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 880

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and K. Young” and substitute “K. Young, and Krebs”; in line 2, strike “Required Training for Members of Public Bodies” and substitute “Annual Reporting Requirement, Web Site Postings, and Training”; strike beginning with “repealing” in line 3 down through “regarding” in line 11 and substitute “requiring the Board, in conjunction with the Office of the Attorney General, to distribute certain educational materials to the staff and attorneys for certain entities; adding the Maryland Association of Boards of Education to the entities the Board, in conjunction with the Office of the Attorney General, is required to develop and conduct certain educational programs for; altering the annual reporting requirement of the State Open Meetings Law Compliance Board to require that certain information on certain violations be reported; requiring the Board to post certain information on a certain Web site; repealing a requirement that certain public bodies forward a certain list to the Board; prohibiting a public body from meeting in a closed session unless the public body designates at least a certain number of members 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, the University of Maryland’s Institute for Governmental Service and Research, and the Academy for Excellence in Local Governance in the University of Maryland’s School of Public Health to collaborate with certain entities to determine a certain cost-benefit analysis, develop a certain list of contacts, and report to certain committees of the General Assembly on or before a certain date; defining a certain term; and generally relating to the annual reporting requirement, Web site postings, and training under”; after line 11, insert:

“BY adding to

Article - General Provisions

Section 3-101(d-1)

Annotated Code of Maryland

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(2014 Volume and 2016 Supplement)”;

and in line 14, before “3-213” insert “3-204(d) and (e), 3-211, and”.

AMENDMENT NO. 2

On page 1, after line 19, insert:

“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;**

**(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; OR**

**(3) A CLASS ON THE REQUIREMENTS OF THE OPEN MEETINGS LAW OFFERED BY THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION THROUGH THE BOARDSMANSHIP ACADEMY PROGRAM.**

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:

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- (1) public bodies;
- (2) the Maryland Municipal League; [and]
- (3) the Maryland Association of Counties; AND
- (4) **THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION.**

(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.**

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3-211.

**(A) THIS SECTION DOES NOT APPLY TO A PUBLIC BODY THAT IS:**

**(1) IN THE JUDICIAL BRANCH OF STATE GOVERNMENT; OR**

**(2) SUBJECT TO GOVERNANCE BY RULES ADOPTED BY THE COURT OF APPEALS.**

**[(a)](B) If the Board determines that a violation of this title has occurred:**

**(1) 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) 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)](C) The public body may not designate its counsel or another representative to provide the announcement and summary.**

**[(c)](D) Compliance by a public body or a member of a public body with subsections [(a) and (b)] (B) AND (C) 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.**

**(E) 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.”;

after line 20, insert:

**“(A) THIS SECTION DOES NOT APPLY TO A PUBLIC BODY THAT IS:**

**(1) IN THE JUDICIAL BRANCH OF STATE GOVERNMENT; OR**

**(2) SUBJECT TO GOVERNANCE BY RULES ADOPTED BY THE COURT  
OF APPEALS.”;**

in line 21, strike “[a)” and substitute “**(B)**”; and in the same line, strike the colon.

AMENDMENT NO. 3

On page 2, in line 1, strike “(1)”; strike beginning with the semicolon in line 3 down through “Board” in line 5; in line 6, strike “(b)]” and substitute “**(C)**”; in the same line, in each instance, strike the bracket; in the same line, strike “(a)(1)” and substitute “**(B)**”; in line 7, strike “**BECOMING A MEMBER OF A PUBLIC BODY**”; strike beginning with the colon in line 7 down through “**SUBSECTION**” in line 17 and substitute “**COMPLETE A CLASS ON THE OPEN MEETINGS LAW**”; strike in their entirety lines 18 through 22, inclusive, and substitute:

**“(D) (1) THIS SUBSECTION APPLIES TO A PUBLIC BODY THAT MEETS IN  
A CLOSED SESSION ON OR AFTER OCTOBER 1, 2017.**

**(2) A PUBLIC BODY MAY NOT MEET IN A CLOSED SESSION UNLESS  
THE PUBLIC BODY HAS DESIGNATED AT LEAST ONE MEMBER OF THE PUBLIC**

(Over)

BODY TO RECEIVE TRAINING ON THE REQUIREMENTS OF THE OPEN MEETINGS LAW.

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

(II) IF AN INDIVIDUAL DESIGNATED UNDER PARAGRAPH (2) OF THIS SUBSECTION 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, on or before December 1, 2017, the Open Meetings Compliance Board, the University of Maryland's Institute for Governmental Service and Research, and the Academy for Excellence in Local Governance in the University of Maryland's School of Public Policy shall:

(1) collaborate with the Maryland Association of Counties, the Maryland Municipal League, the Maryland Association of Boards of Education, Maryland Common Cause, and the Maryland-Delaware-District of Columbia Press Association to determine a cost-benefit analysis of:

(i) the costs to the State associated with tracking 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 with which the individual is affiliated, including the cost to the University of Maryland's Institute for Governmental Service and Research to collect information on individuals who take the online course offered by the Institute; and

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(ii) the benefits to the State of tracking 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 with which the individual is affiliated;

(2) collaborate with the Maryland Association of Counties, the Maryland Municipal League, and the Maryland Association of Boards of Education to develop a list of contacts for public bodies to which 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

(3) 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:

(i) the findings of the results of the cost-benefit analysis required by item (1) of this section and any resulting recommendations for legislation; and

(ii) the status of developing the information required under item (2) of this section.”;

and in line 24, strike “October” and substitute “July”.