



House Bill 823

General Provisions – Open Meetings Act – Enforcement and Training

MACo Position: **OPPOSE**

To: Health and Government Operations Committee

Date: February 24, 2016

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** HB 823. The bill would improperly vest quasi-judicial powers with the advisory Open Meetings Compliance Board (OMCB) and impose onerous new training requirements that were rejected when the initial training requirement was adopted three years ago.

HB 823 would authorize the OMCB to issue corrective orders and impose civil penalties (up to \$500 per violation). The bill also requires each individual who is an employee, officer, or member of a public body to complete an open meetings training course rather than an individual designated by the public body.

The OMCB should not be granted the ability to issue binding orders or impose civil fees - it lacks a formal administrative and fact-finding process that is inherent to a judicial or quasi-judicial body. The OMCB's entire structure and current method of operation is built around being an advisory body and the Board would need significant revision in order to provide a fair and equitable system.

MACo also objects to the expanded training requirements as being overbroad – the requirements proposed by HB 823 were debated and specifically rejected when the initial training requirement was passed in 2013 (HB 139). Public bodies range from large, statutorily created permanent bodies to small, all-volunteer task forces. Designating one employee, staff, officer, or member of the body to receive the training works well and can be accommodated by any type of public body.

However, the inclusion of all employees, officers, or members will place a burden on all sizes of public bodies and will be especially challenging for small volunteer bodies that in many cases are already struggling to attract participants.

HB 823 would improperly vest new authority with the OMCB and insert training requirements that were previously considered and rejected by the General Assembly. Accordingly, MACo urges the Committee to give HB 823 an **UNFAVORABLE** report.