

Department of Legislative Services  
Maryland General Assembly  
2013 Session

**FISCAL AND POLICY NOTE**

House Bill 484 (Delegate Bobo)  
Health and Government Operations

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**Maryland Open Meetings Act - Enforcement Authority**

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This bill authorizes the Attorney General or a local State’s Attorney (on the initiative of the Attorney General or local State’s Attorney or on receipt of a person’s verified complaint that a public body has failed, or may fail, to comply with specified provisions of Maryland’s Open Meetings Act) to file with the circuit court a petition asking the court for existing remedies. Specifically, the petition may ask the court to (1) determine the applicability of those provisions of the Act; (2) require the public body to comply with those provisions; and (3) with specified exceptions, void the action of the public body.

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**Fiscal Summary**

**State Effect:** Because relatively few complaints alleging violations of the Open Meetings Act are received each year, the bill’s impact is small enough that it can be handled with existing budgeted resources.

**Local Effect:** Because relatively few complaints alleging violations of the Open Meetings Act are received each year, the bill’s impact is small enough that it can be handled with existing resources.

**Small Business Effect:** None.

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**Analysis**

**Current Law/Background:** 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; 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, and single-member entities.

The opinions of the State Open Meetings Compliance Board, which handles complaints alleging violations of the Act, are advisory only. The board may not require or compel any specific actions by a public body.

If a public body fails to comply with specified provisions of the Act, a person may file a petition in a circuit court that asks the court to (1) determine the applicability of those provisions; (2) require the public body to comply with those provisions; and (3) with specified exceptions, void the action of the public body.

A member of a public body that willfully participates in a meeting of the body with knowledge that the meeting is being held in violation of the Act is subject to a civil penalty of up to \$100.

The State Open Meetings Compliance Board advises that, in fiscal 2012, it received 28 complaints alleging violations of the Act.

**State/Local Fiscal Effect:** The Office of the Attorney General advises that two additional full-time employees (one attorney and one paralegal) are necessary to implement the bill. However, because relatively few complaints alleging violations of the Open Meetings Act are received each year, the Department of Legislative Services advises that the bill’s impact is small enough that it can be handled with the existing budgeted resources of the Office of the Attorney General and/or local State’s Attorneys.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Office of the Attorney General, Judiciary (Administrative Office of the Courts), State’s Attorneys’ Association, State Open Meetings Compliance Board, Department of Legislative Services

**Fiscal Note History:** First Reader - February 12, 2013  
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