

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 485 (Delegate Bobo)
Health and Government Operations

Open Meetings Act - Application of Penalties

This bill alters the application of an existing civil penalty for a violation of Maryland's Open Meetings Act. Specifically, the bill applies the penalty to a member of a public body who *attends* a meeting of the public body held in violation of the Act (rather than to a member of the public body who *willfully participates* in such a meeting *with knowledge* that the meeting is being held in violation of the Act). The penalty does not apply to a member of a public body who makes, or votes in favor of, a motion at a meeting of the public body that would prevent a violation of the Act from occurring.

Fiscal Summary

State Effect: Because relatively few complaints alleging violations of the Open Meetings Act are received each year, the bill is not expected to materially affect State finances or operations.

Local Effect: Because relatively few complaints alleging violations of the Open Meetings Act are received each year, the bill is not expected to materially affect local government finances or operations.

Small Business Effect: None.

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.

A member of a public body who 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.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Open Meetings Compliance Board, Office of the Attorney General, Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2013
mlm/lgc

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