

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 211

(Delegate Hammen, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

State Government - Open Meetings Act - Notice and Complaints

This bill requires complaints to the State Open Meetings Law Compliance Board be filed within one year after the action for which the basis of the complaint occurred. In addition, the bill repeals the requirement that notice of public meetings be made in writing. Instead, notice must be provided on a web site that is regularly used by the public body unless a public body does not regularly use or have access to a web site. The notice must also be posted at a location accessible to the public and regularly used by the public body for posting notices. A public body is also authorized to provide notice by delivery to representatives of the news media.

Fiscal Summary

State Effect: None. The bill's provisions can be handled with existing resources.

Local Effect: Potential minimal increase in local expenditures for jurisdictions that currently do not post meeting notices on a web site. All county governments have web sites and most already post meeting notices online. Potential minimal cost savings if a jurisdiction decides to discontinue with publishing written notices of public meetings.

Small Business Effect: None.

Analysis

Current Law: Under Maryland's Open Meetings Act, with limited exceptions, a "public body" must meet in open session. 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.

Public bodies may conduct closed sessions under specified circumstances, including discussing employment matters, consulting with legal counsel, and considering the investment of public funds. Before meeting in a closed session, the presiding officer of the public body must conduct a recorded vote on the closing of the session and make a written statement of the reason for closing the meeting. The public body may only meet in a closed session if a majority of its voting members who are present vote in favor of closing the session.

The notice must be in writing and include the date, time, and place of the meeting. Notice can be provided in the following ways: (1) for a unit of State government, by publication in the Maryland Register; (2) through the news media; (3) by either posting the notice at a convenient public location at or near the meeting, or on an Internet web site used by the public body to provide information to the public.

Complaints made to the State Open Meetings Law Compliance Board may be filed at any time. They must be signed by the person making the complaint, identify the public body, specify the action of the public body, the date of the action, and surrounding circumstances of the action.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General, Governor’s Office, Maryland Association of Counties, Maryland Municipal League, Department of Legislative Services

Fiscal Note History: First Reader - February 1, 2010
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