

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 1031 (Delegates O'Donnell and Mizeur)
Health and Government Operations

State Government - Open Meetings Act - Online Training

This bill requires the State Open Meetings Law Compliance Board, in conjunction with the Office of the Attorney General, to develop and offer an online training program on the requirements of the open meetings law to employees, officers, or members of a public body. A public body must designate individuals who are employees, officers, or members of the public body to receive online training on the requirements of the open meetings law, and forward a list of the individuals who participated in the training to the board. Each individual designated for training must complete the online training course within 30 days after being designated. However, the initial individuals designated to participate in online training must complete the training within six months of the bill's effective date. After initial training, individuals must complete annual online training regarding any amendments to the open meetings law, written opinions of the board, and how the public body can comply with the open meetings law with regards to changing technology.

Fiscal Summary

State Effect: Assuming the Office of the Attorney General is not required to monitor compliance, developing an online training program can be handled with existing budgeted resources.

Local Effect: None. The requirement to complete online training can be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: The State Open Meetings Law Compliance Board is required to receive, review, and resolve complaints from any person alleging a violation of the Open Meetings Act and issue a written opinion as to whether a violation has occurred; and ensure compliance under the Open Meetings Act. The board, in conjunction with the Office of the Attorney General, must develop and conduct educational programs on the requirements of the open meetings law for the staffs and attorneys of public bodies, the Maryland Municipal League (MML), and the Maryland Association of Counties (MACO). Annually by October 1, the board must submit a report to the Governor and the General Assembly describing:

- the activities of the board;
- the opinions of the board in any cases brought before it;
- the number and nature of complaints filed with the board, including a discussion of complaints concerning the reasonableness of the notice provided for meetings; and
- any recommendations for improvements to the provisions of the Open Meetings Act.

Background: Educational training is consistently provided at MML and MACO meetings as part of the Academy for Excellence in Local Governance program, a partnership established by MACO, MML, the Local Government Insurance Trust, and the University of Maryland. The board has also provided training at meetings for associations representing particular types of public bodies such as library boards and election boards and for the public through entities such as local chapters of the League of Women Voters. On request, the board has provided training for individual government entities at both the State and local level. In addition, the Office of the Attorney General has an *Open Meetings Act Manual* and a power point presentation available on their web site to assist members of public bodies, their lawyers, and members of the press and public with understanding the Act and especially its practical application.

The board advises it is unknown as to how many public bodies would be affected under the bill, however the number would be significant as county and municipal governments, boards of education, planning commissions, boards of appeals, local liquor boards, State regulatory boards, advisory boards, the Maryland General Assembly, legislative committees, local delegations, and the Maryland Court of Appeals when it meets to adopt rules for the court all fall within the definition of a public body.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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mlm/hlb

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