

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

House Bill 48 (Delegate Morhaim, *et al.*)  
Health and Government Operations Education, Health, and Environmental Affairs

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State Government - Open Meetings Act - Notice and Complaints

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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 website that is regularly used by the public body unless a public body does not regularly use or have access to a website. 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.

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Fiscal Summary

**State Effect:** None. The bill's requirements 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 website. All county governments have websites 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.

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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 when 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 website 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; and specify the action of the public body, the date of the action, and surrounding circumstances of the action.

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### **Additional Information**

**Prior Introductions:** HB 211 of 2010, as amended, passed the House, received a favorable with amendments report from the Senate Education, Health, and Environmental Affairs Committee, and was special ordered, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Baltimore City; Kent, Washington, and Worcester counties; Bel Air, Leonardtown, and Salisbury; Office of the Attorney General; Governor’s Office; Judiciary (Administrative Office of the Courts); Maryland Association of Counties; Maryland Municipal League; Department of Legislative Services

**Fiscal Note History:** First Reader - January 28, 2011  
ncs/hlb

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