

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 501 (Delegate O'Donnell)
Health and Government Operations Education, Health, and Environmental Affairs

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, and members of the general public.

Fiscal Summary

State Effect: The Office of the Attorney General can develop an online training program with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: 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 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 website to assist members of public bodies, their lawyers, and members of the press and public with understanding the Act and especially its practical application.

Additional Information

Prior Introductions: HB 47 of 2011 passed the House with amendments and was referred to the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. HB 1031 of 2010, a similar bill, received an unfavorable report from the House Health and Government Operations Committee.

Cross File: None.

Information Source(s): Baltimore City; Harford, Kent, Montgomery, and Worcester counties; Department of Health and Mental Hygiene; Department of Labor, Licensing, and Regulation; Department of Legislative Services;

Fiscal Note History: First Reader - February 13, 2012
mc/hlb

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