

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 140 (Delegate O'Donnell)
Health and Government Operations

State Government - Open Meetings Act - Penalty

This bill requires the Attorney General, in collaboration with the State Open Meetings Law Compliance Board, to adopt regulations to establish a range of penalties (in addition to existing penalties) for violations of the Maryland Open Meetings Act so that any penalty accounts for the nature and severity of the violation. The bill also requires that the board's annual report to the Governor and the General Assembly include any recommendations for adjustment in the penalty for a violation of the Act.

Fiscal Summary

State Effect: The bill is not expected to materially affect State finances or operations, as discussed below.

Local Effect: The bill is not expected to materially affect local government finances or operations, as discussed below.

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.

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 Law Compliance Board is required to study ongoing compliance with the provisions of the Act and make recommendations to the General Assembly for improvements to the Act. The board is also required to submit, to the Governor and the General Assembly, an annual report that includes a description of (1) the board's activities; (2) the opinions of the board in any cases brought before it; (3) the number and nature of complaints filed with the board, including a description of complaints concerning the reasonableness of the notice provided for meetings; and (4) any recommendations for improvements to the Act.

The State Open Meetings Law Compliance Board advises that, in fiscal 2012, it received 28 complaints alleging violations of the Act.

State/Local Fiscal Effect: The exact impact of additional penalties established under the bill depends on the content of the regulations that are ultimately adopted. However, because relatively few complaints alleging violations of the Open Meetings Act are received each year, the bill is not expected to materially affect government finances or operations.

It is assumed that the Attorney General can, in collaboration with the board, adopt the required regulations using existing budgeted resources.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Open Meetings Law Compliance Board, Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2013
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