

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 139

(Delegates O'Donnell and Krebs)

Health and Government Operations

Education, Health, and Environmental Affairs

Open Meetings Act - Training for Public Bodies

This bill requires each public body to (1) designate at least one of its employees, officers, or members to receive training on the requirements of the open meetings law and (2) forward a list of designated individuals to the State Open Meetings Law Compliance Board. Within 90 days after designation (or, for initial designees, within six months after the bill's effective date), a designated individual must complete either (1) an online class on the requirements of the open meetings law offered by the Office of the Attorney General and the University of Maryland's Institute for Governmental Service and Research or (2) a class on the requirements of the open meetings law offered by the Maryland Association of Counties (MACo) or the Maryland Municipal League (MML) through the Academy for Excellence in Local Governance.

Fiscal Summary

State Effect: The training programs described in the bill have already been developed and are being offered currently. Thus, assuming the Office of the Attorney General is not required to monitor compliance, the bill is not expected to materially affect governmental operations or finances.

Local Effect: The requirement to complete training can be handled with existing budgeted resources.

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, issue a written opinion as to whether a violation has occurred, and ensure compliance with 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, MML, and 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: The Office of the Attorney General advises that it, along with the University of Maryland’s Institute of Governmental Service and Research, has already developed (and currently offers) an online training program on the requirements of the open meetings law to employees, officers, or members of a public body as well as members of the general public.

In addition, 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.

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

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): State Open Meetings Law Compliance Board; Anne Arundel, Baltimore, Charles, and Montgomery counties; Maryland-National Capital Park and Planning Commission; Town of Leonardtown; City of Salisbury; Office of the Attorney General; Maryland Department of Agriculture; Department of Business and Economic Development; Board of Public Works; Department of Budget and Management; Department of Human Resources; Department of Natural Resources; Maryland Department of Planning; Maryland State Department of Education; Maryland Department of the Environment; Department of General Services; Department of Housing and Community Development; Department of Health and Mental Hygiene; Maryland Insurance Administration; Department of Juvenile Services; Maryland State Lottery and Gaming Control Agency; Maryland Association of Counties; Maryland Municipal League; Department of State Police; Maryland Department of Aging; Maryland State Retirement Agency; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Veterans Affairs; Department of Legislative Services

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