



House Bill 484

Maryland Open Meetings Act – Enforcement Authority

MACo Position: **OPPOSE**

Date: February 13, 2013

To: Health and Government Operations Committee

From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **OPPOSES HB 484**. The bill authorizes the Attorney General or a State's Attorney to file a petition against a public body in circuit court if the public body has failed or may fail to comply with certain provisions of the Open Meetings Act. The Attorney General or State's Attorney may file a petition on their own initiative or after receiving a verified complaint from another person. The petition can ask the court to: (1) determine the applicability of Open Meeting provisions; (2) require the public body to comply with the provisions; or (3) void the action of the public body.

The provisions of HB 484 unnecessarily duplicate existing law. Currently, under § 10-510 (b)(1) of the State Government Article, any person may file a petition with the circuit court if a public body fails to comply with certain provisions of the Act and seek the relief described above. An individual, media company, or "good government" nonprofit organization may already exercise this ability.

Additionally, neither the Attorney General nor the State's Attorneys are appropriate choices to make decisions regarding potential Open Meetings Act violations. State's Attorneys are essentially prosecutors who are knowledgeable in criminal law and focus on criminal cases. They are not trained in or familiar with open meetings laws and meeting practices of public bodies. Having to consider open meetings complaints is outside their sphere of duties and experience. The same general concerns also apply to the Attorney General's office.

In conclusion, HB 484 would needlessly expand an existing complaint process and require the Attorney General and State's Attorneys to act as arbiters for open meetings complaints – something that is outside of their typical duties and training. Accordingly, MACo recommends that the Committee issue an **UNFAVORABLE REPORT** on HB 484.