

(F) (1) IF THE BUILDING EXCISE TAX IS IMPOSED WITHIN A MUNICIPAL CORPORATION, THE MUNICIPAL CORPORATION SHALL ASSIST THE COUNTY IN THE COLLECTION OF THE BUILDING EXCISE TAX BY:

(1) COLLECTING AND REMITTING THE TAX TO THE COUNTY; OR

(2) REQUIRING THE TAX BE PAID TO THE COUNTY IN ACCORDANCE WITH THE TERMS OF THE COUNTY ORDINANCE.

(2) A MUNICIPAL CORPORATION THAT COLLECTS THE TAX AND REMITS THE TAX TO THE COUNTY MAY DEDUCT FROM THE REVENUES COLLECTED A FEE NOT TO EXCEED 2% OF THE REVENUES COLLECTED, FOR ADMINISTRATIVE COSTS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2004.

May 25, 2004

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 73 – *Open Meetings Act – Standing to File a Petition Alleging Violation of the Act*.

House Bill 73 was passed by the General Assembly in reaction to a recent court decision dismissing a complaint filed in Howard County in which a taxpayer alleged a violation of the Open Meetings Act by the local board of education. Under current law, to have standing to maintain a suit alleging a violation of the Open Meetings Act, the plaintiff must show that he has been “adversely affected” by the alleged violation. The Circuit Court for Howard County dismissed the complaint on the grounds that the plaintiff did not have standing to sue. On appeal, the Court of Special Appeals heard oral arguments this month and will render a decision in this case. House Bill 73 would unilaterally remove the “standing” requirement and allow any person to sue.

In simplest terms, the purpose of the Open Meetings Act is to make sure that government operates openly in making public policy decisions. The primary reason, however, for the standing requirement that a plaintiff be “adversely affected” under the Open Meetings Act, is to prohibit the filing of frivolous lawsuits in the circuit court. Under House Bill 73, any person could file a complaint alleging a violation of the Open Meetings Act. For example, this bill would allow a resident of Cecil County to file a complaint against the Prince George’s County Board of Education, even though the Cecil County resident has no relation to Prince George’s County and would not be “adversely affected” by any violation of the Open Meetings Act.

House Bill 73 could result in an increase in litigation, which would require local boards of education and county and municipal governments to devote staff time and money for litigation expenses to defend against complaints. At a time of limited