

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 1243

(Delegate Smigiel, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

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**Open Meetings Act - Executive Function - Study**

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This bill requires the State Open Meetings Law Compliance Board to study the use of the executive function exclusion under the Open Meetings Act. The bill requires the board to report on the results of its study, including any recommendations and proposed legislation, to the Governor and specified legislative committees by December 1, 2004.

The bill takes effect June 1, 2004.

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**Fiscal Summary**

**State Effect:** The bill's requirements could be handled with the existing resources of the Office of the Attorney General.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The State's Open Meetings Act does not apply to a public body when it is carrying out an executive function. Under the Act, an executive function means the administration of: (1) a State law; (2) a political subdivision's law; or (3) a rule, regulation, or bylaw of a public body. Executive function does not include an advisory function, a judicial function, a legislative function, a quasi-judicial function, or a quasi-legislative function.

Under the Open Meetings Act, a public body must meet in open session unless otherwise authorized. Before a meeting in a closed or open session, a public body must give advance written notice of the meeting. The general public is entitled to attend meetings in open session, although an individual may be removed for disruptive behavior. Closed session meetings of public bodies are permitted under limited circumstances, including the discussion of specified personnel matters, the acquisition of real property for a public purpose, specified expenditures, and consulting with legal counsel.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Washington County, Montgomery County, Kent County, Worcester County, Judiciary (Administrative Office of the Courts), Department of Budget and Management, Office of the Attorney General, Department of Legislative Services

**Fiscal Note History:** First Reader - March 16, 2004  
mll/hlb Revised - House Third Reader - April 7, 2004

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