

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 295 (Delegate Smigiel, *et al.*)
Health and Government Operations Education, Health, and Environmental Affairs

Open Meetings Act - Executive Function - Study

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, 2005.

The bill takes effect June 1, 2005.

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.

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.

Additional Information

Prior Introductions: A similar bill, HB 1243, was introduced during the 2004 session. It was amended and passed in the House. As amended, HB 1243 was identical to this bill. HB 1243 was referred to the Education, Health, and Environmental Affairs Committee in the Senate, where it received an unfavorable report.

Cross File: None.

Information Source(s): Office of the Attorney General, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2005
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