

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 738 (Senator Kittleman)
Education, Health, and Environmental Affairs

Open Meetings Act - Public Body - Definition

This bill alters the definition of “public body” for the purposes of the Open Meetings Act to include a multimember subcommittee of a standing committee of either house of the General Assembly.

Fiscal Summary

State Effect: The bill may require staff of the Department of Legislative Services (DLS) to prepare minutes of subcommittee meetings, make available live and archived video or audio streaming of the open session, or (when a subcommittee votes on legislation) promptly post the individual votes on the Internet. However, DLS can likely handle these activities with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: 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; a memorandum of understanding or a master agreement to which a majority of the county boards of education and the Maryland State Department of Education are signatories; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision.

Enumerated exclusions from the definition of “public body” include juries; the Governor’s cabinet and Executive Council; single-member entities; and subcommittees of multimember boards, commissions, and specified committees. However, the law is silent regarding the status of a subcommittee of a standing committee of either house of the General Assembly.

As soon as practicable after a public body meets, it is required to have prepared written minutes of its session. In general, the minutes must reflect each item that the public body considered, the action that the public body took on each item, and each vote that was recorded. A session may also be tape recorded by a public body.

DLS provides central nonpartisan staff services to the General Assembly of Maryland. Departmental staff provides support and assistance to the General Assembly as a whole, to its committees and subcommittees, and to individual legislators.

Additional Information

Prior Introductions: SB 825 of 2013 received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee. Its cross file, HB 1345, was referred to the House Rules and Executive Nominations Committee, but received no further action.

Cross File: HB 1151 (Delegate A. Kelly, *et al.*) - Health and Government Operations.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2014
mc/hlb

Analysis by: Joshua A. Lowery

Direct Inquiries to:
(410) 946-5510
(301) 970-5510