

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 264 (Delegates Krebs and Kittleman)
Health and Government Operations

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. 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. Written minutes are not required if live or archived video or audio of the open session is available or the individual votes of each public body member is posted promptly on the Internet.

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: HB 1151 of 2014 was withdrawn after receiving a hearing in the House Health and Government Operations Committee. Its cross file, SB 738, received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. 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: None.

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

Fiscal Note History: First Reader - February 16, 2015
mel/hlb

Analysis by: Sasika Subramaniam

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