

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 772 (Delegate Hubbard)
Health and Government Operations

Open Meetings Act - Scope - Administrative Function

This bill repeals the defined term “executive function” under the State’s Open Meetings Act and replaces it with the defined term “administrative function.” The bill then provides that the Open Meetings Act applies to the consideration by a public body of a budget for the next fiscal year and makes additional rules for when a public body is carrying out an administrative function.

Fiscal Summary

State Effect: The bill’s requirements could be handled with existing budgeted resources.

Local Effect: The bill’s requirements could be handled with existing budgeted resources.

Small Business Effect: None.

Analysis

Bill Summary: An administrative function is the administration of a State law or a law of a political subdivision, or a rule, regulation, or bylaw of a public body. An administrative function does not include an advisory function, a judicial function, a legislative function, a quasi-judicial function, or a quasi-legislative function.

A public body that convenes a meeting that is limited to an administrative function may comply with the requirements of open sessions, including notice requirements,

entitlement of the public to attend, interpreters for the deaf, closed sessions, and the keeping of meeting minutes.

If a public body anticipates convening a series of regularly scheduled meetings that are limited to an administrative function, the public body must make the schedule available to the public. After issuing a schedule, the public body may change the date, time, or place of a meeting, or even cancel a meeting, without further public notice. However, the public body must disclose a change or cancellation to anyone who inquires whether an anticipated meeting has been changed. A public body may convene a meeting that is limited to an administrative function without prior scheduling or public notice.

A public body that convenes a meeting that is limited to an administrative function that is not included in the schedule must include specified information about that meeting in the minutes of its next open meeting.

Current Law: The State's Open Meetings Act does not apply to: (1) a public body when it is carrying out an executive function, a judicial function, or a quasi-judicial function; or (2) a chance encounter, social gathering, or other occasion that is not intended to circumvent the Act.

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.

Generally, a public body must meet in open session unless authorized to do otherwise. When a public body meets in open session it is required to provide notice of the meeting. The public are entitled to attend open meetings. Under specified circumstances, the Executive and Legislative branches of State government must provide interpreters for the deaf. Public bodies may conduct closed sessions under specified circumstances, including discussing employment matters, consulting with legal counsel, and considering the investment of public funds. Public bodies are required to keep meeting minutes.

Background: Chapter 533 of 2005 required the Open Meetings Compliance Board to study the use of the executive function by public bodies. This bill is a product of that study.

Additional Information

Prior Introductions: None.

Cross File: SB 406 (Senator Dyson, *et al.*) – Education, Health and Environmental Affairs.

Information Source(s): Department of Budget and Management, Board of Public Works, Calvert County, Montgomery County, Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2006
mam/rhh

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