

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 623 (Senator Colburn)
Education, Health, and Environmental Affairs

Open Meetings Act - Executive Function - Reporting Requirement

This bill requires a public body, if it adjourns an open session to carry out an executive function in a meeting that is not open to the public, to include in its minutes for its next meeting: (1) a statement of the time, place, and purpose of the executive function session; and (2) a list of the topics discussed, persons present, and each action during the session.

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

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: None.

Cross File: HB 698 (Delegate Weldon, *et al.*) – Health and Government Operations.

Information Source(s): City of Bowie, Town of Elkton, Town of Thurmont, City of Takoma Park, Allegany County, Montgomery County, Baltimore City, Office of the Attorney General, Department of Legislative Services

Fiscal Note History: First Reader - February 15, 2006
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Analysis by: T. Ryan Wilson

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