

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 698

(Delegate Weldon, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

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Open Meetings Act - Administrative Function - Reporting Requirement

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This bill repeals the defined term “executive function” under the State’s Open Meetings Act and replaces it with the defined term “administrative function.” If a public body recesses an open session to carry out an administrative function in a meeting that is not open to the public, the minutes for the next meeting must include: (1) a statement of the date, time, place, and persons present at the administrative function meeting; and (2) a phrase or sentence identifying the subject matter discussed at that meeting.

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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.

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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.

**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 reflects recommendations of that study.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 623 (Senator Colburn) – Education, Health, and Environmental Affairs.

**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 14, 2006  
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