

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 612 (Delegate Smigiel, *et al.*)  
Health and Government Operations

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**Task Force to Study the Enforcement of the Open Meetings Act**

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This bill establishes the Task Force to Study the Enforcement of the Open Meetings Act, staffed by the Office of the Attorney General. The task force must (1) study the effectiveness of the current enforcement provisions of the Open Meetings Act, (2) determine whether stronger enforcement provisions are required to deter violations of the Act, and (3) make recommendations for appropriate statutory changes or other measures to improve enforcement of the Act. Findings and recommendations are due to the Governor by December 31, 2007.

The bill takes effect June 1, 2007 and terminates May 31, 2008.

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**Fiscal Summary**

**State Effect:** None. Staffing and expense reimbursements could be handled with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Generally, a public body must meet in open session unless authorized to do otherwise. When meeting in open session a public body 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.

The State's Open Meetings Act does not apply to: (1) a public body when it is carrying out an administrative 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. Chapter 584 of 2006 clarified the meaning of these exceptions, replacing "executive function," with "administrative function." Chapter 584 also set forth reporting requirements for when a public body recesses an open meeting to carry out an administrative function in a meeting not open to the public.

If a public body fails to comply with the Open Meetings Act, an individual who has been adversely affected may file a petition with a circuit court asking the court to require the body to comply with the action, and void the action of the public body. A member of a public body who willfully participates in a meeting of the body in violation of the Act is subject to a civil penalty not to exceed \$100.

**Background:** Chapter 533 of 2005 required the Open Meetings Compliance Board to study the use of the executive function by public bodies. Chapter 584 of 2006 implemented the recommendations of that study.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 19, 2007  
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