

Department of Legislative Services  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

Senate Bill 787  
Finance

(Senator Harris)

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**Stem Cell Research Commission - Subject to the State Open Meetings Law**

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This bill provides that the Stem Cell Research Commission is subject to the State Open Meetings Law.

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**Fiscal Summary**

**State Effect:** The bill will not materially impact State finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Chapter 19 of 2006 created the Stem Cell Research Commission under the Maryland Technology Development Corporation (TEDCO). The commission must (1) adopt regulations that ensure that fund-financed adult stem cell and stem cell research complies with State law; (2) develop criteria, standards, and requirements for the initial review of grant and loan applications; (3) review grant and loan applications; (4) establish procedures and guidelines for an independent peer review committee of stem cell research experts to evaluate research proposals that are based on the National Institutes of Health Center for Scientific Review guidelines; (5) make recommendations regarding awarding grants and loans that are consistent with the standards and requirements established by the commission and based solely on the ratings; (6) notify TEDCO regarding the submission by a grantee, or failure of a grantee, to submit institutional review board approval for a grant; (7) establish standards for the oversight

and use of awards: (8) conduct progress oversight reviews of grantees; and (9) develop guidelines on disclosure and recusal to be followed by members of the commission when considering grant and loan applications.

The commission must meet at least twice annually and report to the Governor and the General Assembly by January 1 of each year on the progress of State-funded stem cell research, including each grant funded, the funding amount, and a description of the research.

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:** Grant money awarded by the commission is expended from the Maryland Stem Cell Research Fund. The proposed 2008 budget allocates \$25 million for the Stem Cell Research Fund and an additional \$5.5 million for the operations of the commission.

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.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - March 11, 2007  
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