

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1194

(Delegate Benson, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Open Meetings Act - Expansion of Definition of Public Body

This bill alters the definition of “public body” under the Open Meetings Act to include any multimember board, commission, or committee that (1) is appointed by an entity in the Executive Branch of State government, the members of which are appointed by the Governor, and that otherwise meets the definition of a public body or an official subject to the policy direction of such an entity; and (2) includes in its membership at least two individuals who are not members of the appointing entity or employed by the State.

Fiscal Summary

State Effect: The bill’s changes can be handled by the Office of the Attorney General with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Under Maryland’s Open Meetings Act, with limited exceptions, a “public body” must meet in open session. A public body is any entity that (1) consists of at least two individuals and (2) is created by the Maryland Constitution; a State statute; a county charter; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from the definition of “public body” include juries, the Governor’s cabinet and Executive Council, and single-member entities.

Public bodies may conduct closed sessions under specified circumstances, including discussing employment matters, consulting with legal counsel, and considering the investment of public funds. Before meeting in a closed session, the presiding officer of the public body must conduct a recorded vote on the closing of the session and make a written statement of the reason for closing the meeting. The public body may only meet in a closed session if a majority of its voting members who are present vote in favor of closing the session.

The State Open Meetings Law Compliance Board, consisting of three members appointed by the Governor, is charged with resolving complaints alleging a violation of the Act. Members serve three-year staggered terms; a member may not serve more than two consecutive three-year terms. The Office of the Attorney General provides staff for the board.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2009
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