

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 855 (Delegate Smigiel, *et al.*)
Health and Government Operations

State Government - Open Meetings Act - Definition of Public Body

This bill alters the definition of “public body” under the Open Meetings Act to include the governing body of a humane society or other entity dedicated to animal control or protection if a county provides funding to the entity and has delegated to the entity the authority to carry out animal control or protection in the county.

Fiscal Summary

State Effect: Since it is assumed that this bill will apply to a limited number of entities, State finances are not affected.

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): Allegany County, Harford County, Montgomery County, Office of the Attorney General, Department of Legislative Services

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