

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 1346 (Delegate Sossi, *et al.*)
Health and Government Operations

State Government - Meeting of Public Body - Limitation on Closed Sessions

This bill alters the Open Meetings Act to prohibit a public body from meeting in closed session to discuss or act on specified matters if a specified individual requests an open session.

Fiscal Summary

State Effect: None. Any additional workload for the Office of the Attorney General can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A public body may not meet in closed session to discuss or act on the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction if the appointee, employee, official, or specific individual requests an open session.

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, State Ethics Commission, Department of Legislative Services

Fiscal Note History: First Reader - March 19, 2009
ncs/hlb

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