

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 58 (Delegate Smigiel)
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 an entity created by (1) a memorandum of understanding, memorandum of agreement, or contract entered into by the chief executive authority of a political subdivision within the State; and (2) a political subdivision of the State while carrying out a quasi-legislative function.

Fiscal Summary

State Effect: None.

Local Effect: Potential minimal increase in local government expenditures. Revenues are not affected.

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 or municipal 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.

Local Fiscal Effect: Due to advertisement costs associated with publicizing an open meeting, a minimal increase in expenditures may occur in some counties if a public body is appointed through a memorandum of understanding, memorandum of agreement, or a contract entered into by the chief executive authority of that county.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Caroline, Howard, and Montgomery counties; Town of Bel Air; Town of Leonardtown; City of Salisbury; Office of the Attorney General; State Ethics Commission; Department of Legislative Services

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mlm/hlb

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