

SENATE BILL 608

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SB 340/98 - EEA

2000 Regular Session
0lr1717

By: **Senators Conway, Teitelbaum, Mitchell, Exum, Frosh, Pinsky, Dyson, Hughes, and Sfikas**

Introduced and read first time: February 4, 2000
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 16, 2000

CHAPTER _____

1 AN ACT concerning

2 **Open Meetings Act - Public Bodies**

3 FOR the purpose of expanding the definition of "public body", for purposes of the
4 application of the State Open Meetings Act, to include any Maryland corporation
5 that is governed by a governing body whose membership is, by at least a certain
6 percentage, members who are required by the corporation's articles of
7 incorporation or bylaws to be appointees of a public officer or employee;
8 expanding the list of exceptions to the definition of "public body"; providing for
9 the application of this Act; and generally relating to the State Open Meetings
10 Act.

11 BY repealing and reenacting, with amendments,
12 Article - State Government
13 Section 10-502(h)
14 Annotated Code of Maryland
15 (1999 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - State Government**

19 10-502.

20 (h) (1) "Public body" means an entity that:

21 (i) consists of at least 2 individuals; and

- 1 (ii) is created by:
- 2 1. the Maryland Constitution;
- 3 2. a State statute;
- 4 3. a county charter;
- 5 4. an ordinance;
- 6 5. a rule, resolution, or bylaw;
- 7 6. an executive order of the Governor; or
- 8 7. an executive order of the chief executive authority of a
- 9 political subdivision of the State.

10 (2) "Public body" includes:

11 (i) any multimember board, commission, or committee appointed

12 by the Governor or the chief executive authority of a political subdivision of the State,

13 if the entity includes in its membership at least 2 individuals not employed by the

14 State or a political subdivision of the State; [and]

15 (ii) The Maryland School for the Blind; AND

16 (III) THE GOVERNING BODY OF ANY MARYLAND CORPORATION

17 THAT HAS AT LEAST 50% OF ITS MEMBERS REQUIRED BY THE CORPORATION'S

18 ARTICLES OF INCORPORATION OR BYLAWS TO BE APPOINTEES OF A PUBLIC OFFICER

19 OR EMPLOYEE.

20 (3) "Public body" does not include:

21 (i) any single member entity;

22 (ii) any judicial nominating commission;

23 (iii) any grand jury;

24 (iv) any petit jury;

25 (v) the Appalachian States Low Level Radioactive Waste

26 Commission established in § 7-302 of the Environment Article;

27 (vi) except when a court is exercising rulemaking power, any court

28 established in accordance with Article IV of the Maryland Constitution;

29 (vii) the Governor's cabinet, the Governor's Executive Council as

30 provided in Title 8, Subtitle 1 of the State Government Article, or any committee of

31 the Executive Council;

1 (viii) a local government's counterpart to the Governor's cabinet,
2 Executive Council, or any committee of the counterpart of the Executive Council;

3 (ix) the governing body of a hospital as defined in § 19-301(g) of the
4 Health - General Article; [and]

5 (x) a self-insurance pool that is established in accordance with
6 Title 19, Subtitle 6 of the Insurance Article or § 9-404 of the Labor and Employment
7 Article by:

8 1. a public entity, as defined in § 19-602 of the Insurance
9 Article; or

10 2. a county or municipal corporation, as defined in § 9-404 of
11 the Labor and Employment Article; ~~AND~~

12 (XI) THE GOVERNING BODY, AFFILIATES, AND COMMITTEES OF:

13 1. THE MARYLAND ASSOCIATION OF COUNTIES;

14 2. THE MARYLAND MUNICIPAL LEAGUE;

15 3. THE MARYLAND ASSOCIATION OF BOARDS OF
16 EDUCATION;

17 4. THE MARYLAND ASSOCIATION OF COMMUNITY
18 COLLEGES; AND

19 5. THE MARYLAND ASSOCIATION OF ELECTION OFFICIALS;
20 AND

21 (XII) A BUSINESS ENTITY ESTABLISHED, INVESTED IN, FINANCED,
22 OR OPERATED PURSUANT TO § 12-113 OF THE EDUCATION ARTICLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2000, and shall be applicable to meetings held on or after October 1, 2000,
25 of entities that are "public bodies" as a result of this Act.