

SENATE BILL 230

P3
SB 557/12 – EHE

3lr1814

By: **Senators Getty and Ferguson**

Introduced and read first time: January 18, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Open Meetings Act – Public Body – Definition**

3 FOR the purpose of altering the definition of a “public body” for the purposes of the
4 Open Meetings Act to include an entity that is created by a memorandum of
5 understanding or a master agreement to which a majority of the county boards
6 of education and the State Department of Education are signatories; requiring
7 the State Department of Education to report on or before a certain date to
8 certain committees regarding the activities and decisions of the Maryland
9 Public Secondary Schools Athletic Association; and generally relating to public
10 bodies under the Open Meetings Act.

11 BY repealing and reenacting, without amendments,
12 Article – State Government
13 Section 10–502(a)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2012 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Government
18 Section 10–502(h)
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2012 Supplement)

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

23 **Article – State Government**

24 10–502.

25 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (h) (1) “Public body” means an entity that:

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

3 (ii) is created by:

4 1. the Maryland Constitution;

5 2. a State statute;

6 3. a county or municipal charter;

7 4. **A MEMORANDUM OF UNDERSTANDING OR A**
 8 **MASTER AGREEMENT TO WHICH A MAJORITY OF THE COUNTY BOARDS OF**
 9 **EDUCATION AND THE STATE DEPARTMENT OF EDUCATION ARE SIGNATORIES;**

10 [4.] 5. an ordinance;

11 [5.] 6. a rule, resolution, or bylaw;

12 [6.] 7. an executive order of the Governor; or

13 [7.] 8. an executive order of the chief executive
 14 authority of a political subdivision of the State.

15 (2) “Public body” includes:

16 (i) any multimember board, commission, or committee
 17 appointed by the Governor or the chief executive authority of a political subdivision of
 18 the State, or appointed by an official who is subject to the policy direction of the
 19 Governor or chief executive authority of the political subdivision, if the entity includes
 20 in its membership at least 2 individuals not employed by the State or the political
 21 subdivision;

22 (ii) any multimember board, commission, or committee that:

23 1. is appointed by:

24 A. an entity in the Executive branch of State
 25 government, the members of which are appointed by the Governor, and that otherwise
 26 meets the definition of a public body under this subsection; or

27 B. an official who is subject to the policy direction of an
 28 entity described in item A of this item; and

1 2. includes in its membership at least 2 individuals who
2 are not members of the appointing entity or employed by the State; and

3 (iii) The Maryland School for the Blind.

4 (3) “Public body” does not include:

5 (i) any single member entity;

6 (ii) any judicial nominating commission;

7 (iii) any grand jury;

8 (iv) any petit jury;

9 (v) the Appalachian States Low Level Radioactive Waste
10 Commission established in § 7–302 of the Environment Article;

11 (vi) except when a court is exercising rulemaking power, any
12 court established in accordance with Article IV of the Maryland Constitution;

13 (vii) the Governor’s cabinet, the Governor’s Executive Council as
14 provided in Title 8, Subtitle 1 of this article, or any committee of the Executive
15 Council;

16 (viii) a local government’s counterpart to the Governor’s cabinet,
17 Executive Council, or any committee of the counterpart of the Executive Council;

18 (ix) except as provided in paragraph (1) of this subsection, a
19 subcommittee of a public body as defined under paragraph (2)(i) of this subsection;

20 (x) the governing body of a hospital as defined in § 19–301 of
21 the Health – General Article; and

22 (xi) a self–insurance pool that is established in accordance with
23 Title 19, Subtitle 6 of the Insurance Article or § 9–404 of the Labor and Employment
24 Article by:

25 1. a public entity, as defined in § 19–602 of the
26 Insurance Article; or

27 2. a county or municipal corporation, as defined in
28 § 9–404 of the Labor and Employment Article.

29 SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1
30 in every even–numbered year, the State Department of Education shall report, in
31 accordance with § 2–1246 of the State Government Article, to the House Committee on

1 Ways and Means and the Senate Education, Health, and Environmental Affairs
2 Committee, regarding the activities and decisions of the Maryland Public Secondary
3 Schools Athletic Association.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2013.