

Chapter 209

(Senate Bill 230)

AN ACT concerning

Open Meetings Act – Public Body – Definition

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

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

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

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

Article – State Government

10–502.

- (a) In this subtitle the following words have the meanings indicated.
- (h) (1) “Public body” means an entity that:
 - (i) consists of at least 2 individuals; and
 - (ii) is created by:
 - 1. the Maryland Constitution;

2. a State statute;
3. a county or municipal charter;
4. **A MEMORANDUM OF UNDERSTANDING OR A MASTER AGREEMENT TO WHICH A MAJORITY OF THE COUNTY BOARDS OF EDUCATION AND THE STATE DEPARTMENT OF EDUCATION ARE SIGNATORIES;**
- [4.] 5. an ordinance;
- [5.] 6. a rule, resolution, or bylaw;
- [6.] 7. an executive order of the Governor; or
- [7.] 8. an executive order of the chief executive authority of a political subdivision of the State.

(2) “Public body” includes:

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

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

1. is appointed by:

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

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

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

(iii) The Maryland School for the Blind.

(3) “Public body” does not include:

- (i) any single member entity;
- (ii) any judicial nominating commission;
- (iii) any grand jury;
- (iv) any petit jury;
- (v) the Appalachian States Low Level Radioactive Waste Commission established in § 7–302 of the Environment Article;
- (vi) except when a court is exercising rulemaking power, any court established in accordance with Article IV of the Maryland Constitution;
- (vii) the Governor's cabinet, the Governor's Executive Council as provided in Title 8, Subtitle 1 of this article, or any committee of the Executive Council;
- (viii) a local government's counterpart to the Governor's cabinet, Executive Council, or any committee of the counterpart of the Executive Council;
- (ix) except as provided in paragraph (1) of this subsection, a subcommittee of a public body as defined under paragraph (2)(i) of this subsection;
- (x) the governing body of a hospital as defined in § 19–301 of the Health – General Article; and
- (xi) a self-insurance pool that is established in accordance with Title 19, Subtitle 6 of the Insurance Article or § 9–404 of the Labor and Employment Article by:
 1. a public entity, as defined in § 19–602 of the Insurance Article; or
 2. a county or municipal corporation, as defined in § 9–404 of the Labor and Employment Article.

~~SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1 in every even-numbered year, the State Department of Education shall report, in accordance with § 2–1246 of the State Government Article, to the House Committee on Ways and Means and the Senate Education, Health, and Environmental Affairs Committee, regarding the activities and decisions of the Maryland Public Secondary Schools Athletic Association.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, May 2, 2013.