

Article - General Provisions

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§3–101.

- (a) In this title the following words have the meanings indicated.
- (b) (1) “Administrative function” means the administration of:
 - (i) a law of the State;
 - (ii) a law of a political subdivision of the State; or
 - (iii) a rule, regulation, or bylaw of a public body.
- (2) “Administrative function” does not include:
 - (i) an advisory function;
 - (ii) a judicial function;
 - (iii) a legislative function;
 - (iv) a quasi–judicial function; or
 - (v) a quasi–legislative function.
- (c) “Advisory function” means the study of a matter of public concern, or the making of recommendations on the matter, under a delegation of responsibility by:
 - (1) law;
 - (2) the Governor or an official who is subject to the policy direction of the Governor;
 - (3) the chief executive officer of a political subdivision of the State or an official who is subject to the policy direction of the chief executive officer; or
 - (4) formal action by or for a public body that exercises an administrative function, judicial function, legislative function, quasi–judicial function, or quasi–legislative function.
- (d) “Board” means the State Open Meetings Law Compliance Board.
- (e) (1) “Judicial function” means the exercise of any power of the Judicial Branch of the State government.
- (2) “Judicial function” includes the exercise of:

provides;

- (i) a power for which Article IV, § 1 of the Maryland Constitution

- (ii) a function of a grand jury;

- (iii) a function of a petit jury;

- (iv) a function of the Commission on Judicial Disabilities; and

- (v) a function of a judicial nominating commission.

(3) “Judicial function” does not include the exercise of rulemaking power by a court.

(f) “Legislative function” means the process or act of:

- (1) approving, disapproving, enacting, amending, or repealing a law or other measure to set public policy;

- (2) approving or disapproving an appointment;

- (3) proposing or ratifying a constitution or constitutional amendment; or

- (4) proposing or ratifying a charter or charter amendment.

(g) “Meet” means to convene a quorum of a public body to consider or transact public business.

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

- (i) consists of at least two 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;

- 5. an ordinance;

- 6. a rule, resolution, or bylaw;

- 7. an executive order of the Governor; or

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 two 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 the 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 two 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 the State Government 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 in 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 described in § 9–404 of the Labor and Employment Article.

(i) “Quasi–judicial function” means a determination of:

(1) a contested case to which Title 10, Subtitle 2 of the State Government Article applies;

(2) a proceeding before an administrative agency for which Title 7, Chapter 200 of the Maryland Rules would govern judicial review; or

(3) a complaint by the Board in accordance with this title.

(j) “Quasi–legislative function” means the process or act of:

(1) adopting, disapproving, amending, or repealing a rule, regulation, or bylaw that has the force of law, including a rule of a court;

(2) approving, disapproving, or amending a budget; or

(3) approving, disapproving, or amending a contract.

(k) “Quorum” means:

(1) a majority of the members of a public body; or

(2) the number of members that the law requires.

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