

HOUSE BILL 264

P3
HB 1151/14 – HGO

5lr2460
CF 5lr1498

By: **Delegates Krebs and Kittleman**

Introduced and read first time: February 4, 2015

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the definition of “public body” for the purposes of the Open
4 Meetings Act to include a multimember subcommittee of a standing committee of
5 either house of the General Assembly; and generally relating to the Open Meetings
6 Act.

7 BY repealing and reenacting, with amendments,
8 Article – General Provisions
9 Section 3–101(h)
10 Annotated Code of Maryland
11 (2014 Volume)

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

14 **Article – General Provisions**

15 3–101.

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

17 (i) consists of at least two individuals; and

18 (ii) is created by:

19 1. the Maryland Constitution;

20 2. a State statute;

21 3. a county or municipal charter;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 4. a memorandum of understanding or a master agreement
2 to which a majority of the county boards of education and the State Department of
3 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
8 political subdivision of the State.

9 (2) “Public body” includes:

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

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

16 1. is appointed by:

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

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

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

24 **(III) ANY MULTIMEMBER SUBCOMMITTEE OF A STANDING**
25 **COMMITTEE OF EITHER HOUSE OF THE GENERAL ASSEMBLY; AND**

26 ~~[(iii)]~~ **(IV)** The Maryland School for the Blind.

27 (3) “Public body” does not include:

28 (i) any single member entity;

29 (ii) any judicial nominating commission;

1 (iii) any grand jury;

2 (iv) any petit jury;

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

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

7 (vii) the Governor’s cabinet, the Governor’s Executive Council as
8 provided in Title 8, Subtitle 1 of the State Government Article, or any committee of the
9 Executive Council;

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

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

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

16 (xi) a self–insurance pool that is established in accordance with Title
17 19, Subtitle 6 of the Insurance Article or § 9–404 of the Labor and Employment Article by:

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

20 2. a county or municipal corporation, as described in § 9–404
21 of the Labor and Employment Article.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2015.