
By: **Senators Conway, Dyson, Hollinger, McFadden, Sfikas, Teitelbaum, and Trotter**

Introduced and read first time: February 5, 1998
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Open Meetings Act - Public Bodies**

3 FOR the purpose of expanding the definition of "public body" to include certain
4 corporations; expanding the exceptions to the definition of "public body";
5 providing for the application of this Act; and generally relating to the State Open
6 Meetings Act.

7 BY repealing and reenacting, with amendments,
8 Article - State Government
9 Section 10-502(h)
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1997 Supplement)

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

14 **Article - State Government**

15 10-502.

- 16 (h) (1) "Public body" means an entity that:
- 17 (i) consists of at least 2 individuals; and
 - 18 (ii) is created by:
 - 19 1. the Maryland Constitution;
 - 20 2. a State statute;
 - 21 3. a county charter;
 - 22 4. an ordinance;
 - 23 5. a rule, resolution, or bylaw;

- 1 6. an executive order of the Governor; or
- 2 7. an executive order of the chief executive authority of a
- 3 political subdivision of the State.

4 (2) "Public body" includes any multimember board, commission, or
5 committee appointed by the Governor or the chief executive authority of a political
6 subdivision of the State, if the entity includes in its membership at least 2 individuals
7 not employed by the State or a political subdivision of the State.

8 (3) "PUBLIC BODY" INCLUDES ANY MARYLAND CORPORATION THAT IS
9 GOVERNED BY A GOVERNING BODY AT LEAST 50% OF WHOSE MEMBERS ARE
10 REQUIRED BY THE CORPORATION'S ARTICLES OF INCORPORATION OR BYLAWS TO
11 BE:

12 (I) PUBLIC OFFICERS OR EMPLOYEES; OR

13 (II) APPOINTEES OF A PUBLIC OFFICER OR EMPLOYEE.

14 [(3)] (4) "Public body" does not include:

15 (i) any single member entity;

16 (ii) any judicial nominating commission;

17 (iii) any grand jury;

18 (iv) any petit jury;

19 (v) the Appalachian States Low Level Radioactive Waste
20 Commission established in § 7-302 of the Environment Article;

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

23 (vii) the Governor's cabinet, the Governor's Executive Council as
24 provided in Title 8, Subtitle 1 of the State Government Article, or any committee of
25 the Executive Council;

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

28 (ix) the governing body of a hospital as defined in § 19-301(f) of the
29 Health - General Article; [and]

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

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

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

3 (XI) THE GOVERNING BODY OF:

4 1. THE MARYLAND ASSOCIATION OF COUNTIES;

5 2. THE MARYLAND MUNICIPAL LEAGUE;

6 3. THE MARYLAND ASSOCIATION OF BOARDS OF
7 EDUCATION;

8 4. THE MARYLAND ASSOCIATION OF COMMUNITY
9 COLLEGES; AND

10 5. THE MARYLAND ASSOCIATION OF ELECTION OFFICIALS.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1998, and shall be applicable to meetings held on or after October 1, 1998,
13 of entities that are "public bodies" as a result of this Act.