

# HOUSE BILL 855

P1, P3

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By: **Delegates Smigiel, Dwyer, McComas, Shank, and Stull**

Introduced and read first time: February 12, 2009

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Open Meetings Act – Definition of Public Body**

3 FOR the purpose of altering the definition of a public body in the context of the Open  
4 Meetings Act to include certain entities dedicated to animal control or  
5 protection under certain circumstances; and generally relating to the definition  
6 of a public body in the context of the Open Meetings Act.

7 BY repealing and reenacting, with amendments,  
8 Article – State Government  
9 Section 10–502(h)  
10 Annotated Code of Maryland  
11 (2004 Replacement Volume and 2008 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;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 4. an ordinance;
- 2 5. a rule, resolution, or bylaw;
- 3 6. an executive order of the Governor; or
- 4 7. an executive order of the chief executive authority of a  
5 political subdivision of the State.

6 (2) "Public body" includes:

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

13 (II) **THE GOVERNING BODY OF A HUMANE SOCIETY OR**  
14 **OTHER ENTITY DEDICATED TO ANIMAL CONTROL OR PROTECTION IF A COUNTY:**

15 **1. PROVIDES FUNDING TO THE ENTITY; AND**

16 **2. HAS DELEGATED THE AUTHORITY TO CARRY OUT**  
17 **ANIMAL CONTROL OR PROTECTION IN THE COUNTY TO THE ENTITY; AND**

18 [(ii)] (III) The Maryland School for the Blind.

19 (3) "Public body" does not include:

20 (i) any single member entity;

21 (ii) any judicial nominating commission;

22 (iii) any grand jury;

23 (iv) any petit jury;

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

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

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

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

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

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

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

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

15 2. a county or municipal corporation, as defined in §  
16 9–404 of the Labor and Employment Article.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2009.