

HOUSE BILL 1194

P3

9lr0962

By: **Delegates Benson, Weldon, Bromwell, and Costa**

Introduced and read first time: February 13, 2009

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2009

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of expanding the definition of “public body” under the Open Meetings
4 Act to include certain ~~entities appointed by certain public bodies or certain~~
5 ~~officials of the public bodies if the membership of the entity has a certain~~
6 ~~composition~~ boards, commissions, or committees that are appointed by certain
7 entities or officials in the Executive Branch of State government and include
8 certain members; and generally relating to the definition of public body under
9 the Open Meetings Act.

10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 10–502(h)
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2008 Supplement)

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

17 **Article – State Government**

18 10–502.

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

20 (i) consists of at least 2 individuals; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 (ii) is created by:
- 2 1. the Maryland Constitution;
- 3 2. a State statute;
- 4 3. a county charter;
- 5 4. an ordinance;
- 6 5. a rule, resolution, or bylaw;
- 7 6. an executive order of the Governor; or
- 8 7. an executive order of the chief executive authority of a
- 9 political subdivision of the State.

10 (2) "Public body" includes:

11 (i) any multimember board, commission, or committee

12 appointed by the Governor or the chief executive authority of a political subdivision of

13 the State, or appointed by an official who is subject to the policy direction of the

14 Governor or chief executive authority of the political subdivision, if the entity includes

15 in its membership at least 2 individuals not employed by the State or the political

16 subdivision; [and]

17 (II) ~~ANY MULTIMEMBER BOARD, COMMISSION, OR~~

18 ~~COMMITTEE APPOINTED BY A PUBLIC BODY, AS OTHERWISE DEFINED BY THIS~~

19 ~~SUBSECTION, OR APPOINTED BY AN OFFICIAL WHO IS SUBJECT TO THE POLICY~~

20 ~~DIRECTION OF THE PUBLIC BODY, IF THE ENTITY INCLUDES IN ITS MEMBERSHIP~~

21 ~~AT LEAST 2 INDIVIDUALS WHO ARE NOT:~~

22 ~~1. MEMBERS OF THE PUBLIC BODY; OR~~

23 ~~2. EMPLOYED BY THE STATE OR POLITICAL~~

24 ~~SUBDIVISION OF WHICH THE PUBLIC BODY IS A PART; THAT:~~

25 ~~1. IS APPOINTED BY:~~

26 ~~A. AN ENTITY IN THE EXECUTIVE BRANCH OF STATE~~

27 ~~GOVERNMENT, THE MEMBERS OF WHICH ARE APPOINTED BY THE GOVERNOR,~~

28 ~~AND THAT OTHERWISE MEETS THE DEFINITION OF A PUBLIC BODY UNDER THIS~~

29 ~~SUBSECTION; OR~~

1 **B. AN OFFICIAL WHO IS SUBJECT TO THE POLICY**
2 **DIRECTION OF AN ENTITY DESCRIBED IN ITEM A OF THIS ITEM; AND**

3 **2. INCLUDES IN ITS MEMBERSHIP AT LEAST 2**
4 **INDIVIDUALS WHO ARE NOT MEMBERS OF THE APPOINTING ENTITY OR**
5 **EMPLOYED BY THE STATE; AND**

6 [(ii)] (iii) The Maryland School for the Blind.

7 (3) “Public body” does not include:

8 (i) any single member entity;

9 (ii) any judicial nominating commission;

10 (iii) any grand jury;

11 (iv) any petit jury;

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

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

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

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

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

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

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

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

30 2. a county or municipal corporation, as defined in
31 § 9–404 of the Labor and Employment Article.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.