

# CHAPTER 164

(House Bill 1194)

AN ACT concerning

## Open Meetings Act – Expansion of Definition of Public Body

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

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

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

### Article – State Government

10–502.

- (h) (1) “Public body” means an entity that:
- (i) consists of at least 2 individuals; and
  - (ii) is created by:
    - 1. the Maryland Constitution;
    - 2. a State statute;
    - 3. a county charter;
    - 4. an ordinance;
    - 5. a rule, resolution, or bylaw;

6. an executive order of the Governor; or

7. 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 2 individuals not employed by the State or the political subdivision; [and]

~~(II) ANY MULTIMEMBER BOARD, COMMISSION, OR COMMITTEE APPOINTED BY A PUBLIC BODY, AS OTHERWISE DEFINED BY THIS SUBSECTION, OR APPOINTED BY AN OFFICIAL WHO IS SUBJECT TO THE POLICY DIRECTION OF THE PUBLIC BODY, IF THE ENTITY INCLUDES IN ITS MEMBERSHIP AT LEAST 2 INDIVIDUALS WHO ARE NOT:~~

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

~~2. EMPLOYED BY THE STATE OR POLITICAL SUBDIVISION OF WHICH THE PUBLIC BODY IS A PART; THAT:~~

~~1. IS APPOINTED BY:~~

~~A. AN ENTITY IN THE EXECUTIVE BRANCH OF 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 2 INDIVIDUALS WHO ARE NOT MEMBERS OF THE APPOINTING ENTITY OR EMPLOYED BY THE STATE; AND~~

[(ii)] (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 this 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 under 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 defined in § 9-404 of the Labor and Employment Article.

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

**Approved by the Governor, April 14, 2009.**