## **HOUSE BILL 58**

P1 0lr1044 (PRE-FILED) By: Delegate Smigiel Requested: November 15, 2009 Introduced and read first time: January 13, 2010 Assigned to: Health and Government Operations A BILL ENTITLED AN ACT concerning State Government - Open Meetings Act - Definition of Public Body FOR the purpose of altering the definition of a public body in the context of the Open Meetings Act to include a certain entity created by a certain memorandum of understanding, a certain memorandum of agreement, a certain contract, and a certain political subdivision of the State under certain circumstances; and generally relating to the definition of a public body in the context of the Open Meetings Act. BY repealing and reenacting, with amendments, Article – State Government Section 10–502(h) Annotated Code of Maryland (2009 Replacement Volume) 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:

the Maryland Constitution;

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1	2. a State statute;		
2	3. a county or municipal charter;		
3	4. an ordinance;		
4	5. a rule, resolution, or bylaw;		
5	6. an executive order of the Governor; [or]		
6 7	7. an executive order of the chief executive authority of a political subdivision of the State;		
8 9 10	8. A MEMORANDUM OF UNDERSTANDING, MEMORANDUM OF AGREEMENT, OR CONTRACT ENTERED INTO BY THE CHIEF EXECUTIVE AUTHORITY OF A POLITICAL SUBDIVISION OF THE STATE; OR		
11 12	9. A POLITICAL SUBDIVISION OF THE STATE WHILE CARRYING OUT A QUASI-LEGISLATIVE FUNCTION.		
13	(2) "Public body" includes:		
14 15 16 17 18 19	(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;		
20	(ii) any multimember board, commission, or committee that:		
21	1. is appointed by:		
22 23 24	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		
25 26	B. an official who is subject to the policy direction of an entity described in item A of this item; and		
27 28	2. includes in its membership at least 2 individuals who are not members of the appointing entity or employed by the State; and		
29	(iii) The Maryland School for the Blind.		
30	(3) "Public body" does not include:		

1		(i)	any single member entity;
2		(ii)	any judicial nominating commission;
3		(iii)	any grand jury;
4		(iv)	any petit jury;
5 6	Commission estab	(v) lished	the Appalachian States Low Level Radioactive Waste in § 7–302 of the Environment Article;
7 8	court established i	(vi) n acco	except when a court is exercising rulemaking power, any rdance with Article IV of the Maryland Constitution;
9 10 11	provided in Title Council;	. ,	the Governor's cabinet, the Governor's Executive Council as btitle 1 of this article, or any committee of the Executive
12 13	Executive Council,	,	a local government's counterpart to the Governor's cabinet, y committee of the counterpart of the Executive Council;
14 15	subcommittee of a	(ix) public	except as provided in paragraph (1) of this subsection, a body as defined under paragraph (2)(i) of this subsection;
16 17	the Health – Gene	(x) ral Art	the governing body of a hospital as defined in $\S$ 19–301 of sicle; and
18 19 20	Title 19, Subtitle 6 Article by:	(xi) 6 of the	a self–insurance pool that is established in accordance with e Insurance Article or § 9–404 of the Labor and Employment
21 22	Insurance Article;	or	1. a public entity, as defined in § 19–602 of the
23 24	§ 9–404 of the Lab	or and	2. a county or municipal corporation, as defined in Employment Article.
25 26	SECTION 2 October 1, 2010.	. AND	BE IT FURTHER ENACTED, That this Act shall take effect