

SENATE BILL 825

P3

3lr2456

By: **Senators Kittleman, Brinkley, and Jacobs**

Introduced and read first time: February 1, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the definition of “public body” for the purposes of the
4 Open Meetings Act to include a multimember subcommittee of a standing
5 committee of either house of the General Assembly; and generally relating to
6 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 (2009 Replacement Volume and 2012 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 or municipal charter;

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;

13 (ii) any multimember board, commission, or committee that:

14 1. is appointed by:

15 A. an entity in the Executive branch of State
16 government, the members of which are appointed by the Governor, and that otherwise
17 meets the definition of a public body under this subsection; or

18 B. an official who is subject to the policy direction of an
19 entity described in item A of this item; and

20 2. includes in its membership at least 2 individuals who
21 are not members of the appointing entity or employed by the State; [and]

22 **(III) ANY MULTIMEMBER SUBCOMMITTEE OF A STANDING**
23 **COMMITTEE OF EITHER HOUSE OF THE GENERAL ASSEMBLY; AND**

24 **[(iii)] (IV) The Maryland School for the Blind.**

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

26 (i) any single member entity;

27 (ii) any judicial nominating commission;

28 (iii) any grand jury;

29 (iv) any petit jury;

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

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

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

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

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

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

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

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

19 2. a county or municipal corporation, as defined in §
20 9–404 of the Labor and Employment Article.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2013.