

# SENATE BILL 738

P3  
SB 825/13 – EHE

4lr0980  
CF 4lr3020

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By: **Senator Kittleman**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

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## 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 2013 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;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1                                   4.     a memorandum of understanding or a master  
2 agreement to which a majority of the county boards of education and the State  
3 Department of Education are signatories;
- 4                                   5.     an ordinance;
- 5                                   6.     a rule, resolution, or bylaw;
- 6                                   7.     an executive order of the Governor; or
- 7                                   8.     an executive order of the chief executive authority of a  
8 political subdivision of the State.

9                           (2)     “Public body” includes:

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

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

17   1.     is appointed by:

18   A.     an entity in the Executive Branch of State  
19 government, the members of which are appointed by the Governor, and that otherwise  
20 meets the definition of a public body under this subsection; or

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

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

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

27   ~~[(iii)]~~ **(IV)**    the Maryland School for the Blind.

28                                   (3)     “Public body” does not include:

29   (i)     any single member entity;

30   (ii)    any judicial nominating commission;

- 1 (iii) any grand jury;
- 2 (iv) any petit jury;
- 3 (v) the Appalachian States Low Level Radioactive Waste  
4 Commission established in § 7–302 of the Environment Article;
- 5 (vi) except when a court is exercising rulemaking power, any  
6 court established in accordance with Article IV of the Maryland Constitution;
- 7 (vii) the Governor’s cabinet, the Governor’s Executive Council as  
8 provided in Title 8, Subtitle 1 of this article, or any committee of the Executive  
9 Council;
- 10 (viii) a local government’s counterpart to the Governor’s cabinet,  
11 Executive Council, or any committee of the counterpart of the Executive Council;
- 12 (ix) except as provided in paragraph (1) of this subsection, a  
13 subcommittee of a public body as defined under paragraph (2)(i) of this subsection;
- 14 (x) the governing body of a hospital as defined in § 19–301 of  
15 the Health – General Article; and
- 16 (xi) a self–insurance pool that is established in accordance with  
17 Title 19, Subtitle 6 of the Insurance Article or § 9–404 of the Labor and Employment  
18 Article by:
- 19 1. a public entity, as defined in § 19–602 of the  
20 Insurance Article; or
- 21 2. a county or municipal corporation, as defined in §  
22 9–404 of the Labor and Employment Article.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2014.