

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 698
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Weldon,” insert “Hubbard,”; in the same line, strike “and Mayer” and substitute “Mayer, Hammen, Goldwater, Barve, Benson, Boteler, Bromwell, Costa, Donoghue, Elliott, Frank, Kach, Kohl, Kullen, Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, Rudolph, and V. Turner”; in line 2, strike “Executive” and substitute “Administrative”; in line 3, after “of” insert “renaming the executive function exclusion under the Open Meetings Act as an exclusion for administrative functions;”; in the same line, strike “adjourns” and substitute “recesses”; in lines 4 and 6, in each instance, strike “executive” and substitute “administrative”; after line 7, insert:

“BY repealing and reenacting, without amendments,
Article - State Government
Section 10-502(a) and (h)
Annotated Code of Maryland
(2004 Replacement Volume and 2005 Supplement)”

BY adding to
Article - State Government
Section 10-502(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2005 Supplement)”;

in line 10, after “Section” insert “10-502(b) and (c) and”; and after line 12, insert:

“BY repealing
Article - State Government
Section 10-502(d)”

(Over)

Annotated Code of Maryland
(2004 Replacement Volume and 2005 Supplement)".

AMENDMENT NO. 2

On page 1, after line 15, insert:

"10-502.

(a) In this subtitle the following words have the meanings indicated.

(B) (1) "ADMINISTRATIVE FUNCTION" MEANS THE ADMINISTRATION OF:

(I) A LAW OF THE STATE;

(II) A LAW OF A POLITICAL SUBDIVISION OF THE STATE; OR

(III) A RULE, REGULATION, OR BYLAW OF A PUBLIC BODY.

(2) "ADMINISTRATIVE FUNCTION" DOES NOT INCLUDE:

(I) AN ADVISORY FUNCTION;

(II) A JUDICIAL FUNCTION;

(III) A LEGISLATIVE FUNCTION;

(IV) A QUASI-JUDICIAL FUNCTION; OR

(V) A QUASI-LEGISLATIVE FUNCTION.

[(b)] (C) "Advisory function" means the study of a matter of public concern or the making of recommendations on the matter, under a delegation of responsibility by:

(1) law;

(2) the Governor;

(3) the chief executive officer of a political subdivision of the State; or

(4) formal action by or for a public body that exercises an executive, judicial, legislative, quasi-judicial, or quasi-legislative function.

[(c)] (D) “Board” means the State Open Meetings Law Compliance Board.

[(d)] (1) “Executive function” means the administration of:

(i) a law of the State;

(ii) a law of a political subdivision of the State; or

(iii) a rule, regulation, or bylaw of a public body.

(2) “Executive function” does not include:

(i) an advisory function;

(ii) a judicial function;

(iii) a legislative function;

(iv) a quasi-judicial function; or

(v) a quasi-legislative function.]

[(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) 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(g) 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.”.

AMENDMENT NO. 3

On page 1, in line 20, strike “executive” and substitute “ADMINISTRATIVE”.

On page 2, in line 6, strike “ADJOURNS” and substitute “RECESSES”; in line 7, strike “EXECUTIVE” and substitute “ADMINISTRATIVE”; and strike in their entirety lines 9 through 12, inclusive, and substitute:

“(1) A STATEMENT OF THE DATE, TIME, PLACE, AND PERSONS PRESENT AT THE ADMINISTRATIVE FUNCTION MEETING; AND

(Over)

(2) A PHRASE OR SENTENCE IDENTIFYING THE SUBJECT MATTER DISCUSSED AT THE ADMINISTRATIVE FUNCTION MEETING.”.