A BILL ENTITLED

HOUSE BILL 920

By: Delegate Carr
Introduced and read first time: February 2, 2021
Assigned to: Health and Government Operations

AN ACT concerning

Open Meetings Act – Definition – Administrative Function

FOR the purpose of excluding the administration of certain personnel matters from the definition of “administrative function” as it applies to the Open Meetings Act; and generally relating to the Open Meetings Act.

BY repealing and reenacting, without amendments,

Article – General Provisions
Section 3–101(a) and 3–103
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions
Section 3–101(b)
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

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

Article – General Provisions


(a) In this title 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; OR

(VI) ANY PERSONNEL MATTER THAT AFFECTS ONE OR MORE SPECIFIC INDIVIDUALS.

(a) Except as provided in subsection (b) of this section and § 3–104 of this subtitle, this title does not apply to:

(1) a public body when it is carrying out:

(i) an administrative function;

(ii) a judicial function; or

(iii) a quasi–judicial function; or

(2) a chance encounter, a social gathering, or any other occasion that is not intended to circumvent this title.

(b) This title applies to a public body when it is meeting to consider:

(1) granting a license or permit; or

(2) a special exception, variance, conditional use, or zoning classification, the enforcement of any zoning law or regulation, or any other zoning matter.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.