

HOUSE BILL 235

P3, P1
HB 920/21 – HGO

2lr1391

By: **Delegates Carr and Lehman**

Introduced and read first time: January 13, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Open Meetings Act – Definition – Administrative Function**

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

6 BY repealing and reenacting, without amendments,
7 Article – General Provisions
8 Section 3–101(a) and 3–103
9 Annotated Code of Maryland
10 (2019 Replacement Volume and 2021 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – General Provisions
13 Section 3–101(b)
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2021 Supplement)

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

18 **Article – General Provisions**

19 3–101.

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

21 (b) (1) “Administrative function” means the administration of:

22 (i) a law of the State;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

3 (2) “Administrative function” does not include:

4 (i) an advisory function;

5 (ii) a judicial function;

6 (iii) a legislative function;

7 (iv) a quasi-judicial function; [or]

8 (v) a quasi-legislative function; **OR**

9 **(VI) THE APPOINTMENT, EMPLOYMENT, ASSIGNMENT,**
10 **PROMOTION, DISCIPLINE, DEMOTION, COMPENSATION, REMOVAL, RESIGNATION,**
11 **OR PERFORMANCE EVALUATION OF AN APPOINTEE, EMPLOYEE, OR OFFICIAL OVER**
12 **WHOM THE PUBLIC BODY HAS DIRECT JURISDICTION.**

13 3–103.

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

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

17 (i) an administrative function;

18 (ii) a judicial function; or

19 (iii) a quasi-judicial function; or

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

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

23 (1) granting a license or permit; or

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2022.