

# HOUSE BILL 349

P3

8lr1892

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By: **Delegate Bobo**

Introduced and read first time: January 25, 2008

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Open Meetings – Votes of a Public Body**

3 FOR the purpose of requiring certain votes of a public body to be taken in open  
4 session; prohibiting a certain provision of law from being construed to allow  
5 certain votes in a closed session; and generally relating to voting by a public  
6 body and the State Open Meetings Law.

7 BY repealing and reenacting, with amendments,  
8 Article – State Government  
9 Section 10–508  
10 Annotated Code of Maryland  
11 (2004 Replacement Volume and 2007 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 10–508.

16 (a) Subject to the provisions of subsection (d) of this section, a public body  
17 may meet in closed session or adjourn an open session to a closed session only to:

18 (1) discuss:

19 (i) the appointment, employment, assignment, promotion,  
20 discipline, demotion, compensation, removal, resignation, or performance evaluation of  
21 appointees, employees, or officials over whom it has jurisdiction; or

22 (ii) any other personnel matter that affects 1 or more specific  
23 individuals;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (2)    protect the privacy or reputation of individuals with respect to a  
2 matter that is not related to public business;

3           (3)    consider the acquisition of real property for a public purpose and  
4 matters directly related thereto;

5           (4)    consider a matter that concerns the proposal for a business or  
6 industrial organization to locate, expand, or remain in the State;

7           (5)    consider the investment of public funds;

8           (6)    consider the marketing of public securities;

9           (7)    consult with counsel to obtain legal advice;

10          (8)    consult with staff, consultants, or other individuals about pending  
11 or potential litigation;

12          (9)    conduct collective bargaining negotiations or consider matters that  
13 relate to the negotiations;

14          (10)   discuss public security, if the public body determines that public  
15 discussion would constitute a risk to the public or to public security, including:

16               (i)    the deployment of fire and police services and staff; and

17               (ii)   the development and implementation of emergency plans;

18          (11)   prepare, administer, or grade a scholastic, licensing, or qualifying  
19 examination;

20          (12)   conduct or discuss an investigative proceeding on actual or possible  
21 criminal conduct;

22          (13)   comply with a specific constitutional, statutory, or judicially  
23 imposed requirement that prevents public disclosures about a particular proceeding or  
24 matter; or

25          (14)   before a contract is awarded or bids are opened, discuss a matter  
26 directly related to a negotiating strategy or the contents of a bid or proposal, if public  
27 discussion or disclosure would adversely impact the ability of the public body to  
28 participate in the competitive bidding or proposal process.

29          (b)    **(1)**   A public body that meets in closed session under this section may  
30 not discuss or act on any matter not permitted under subsection (a) of this section.

1           **(2) UNLESS OTHERWISE REQUIRED BY LAW:**

2                   **(I) THIS SUBSECTION MAY NOT BE CONSTRUED TO ALLOW A**  
3 **VOTE OF A PUBLIC BODY TO BE TAKEN IN A CLOSED SESSION; AND**

4                   **(II) VOTES OF A PUBLIC BODY SHALL BE TAKEN IN OPEN**  
5 **SESSION.**

6           (c) The exceptions in subsection (a) of this section shall be strictly construed  
7 in favor of open meetings of public bodies.

8           (d) (1) Unless a majority of the members of a public body present and  
9 voting vote in favor of closing the session, the public body may not meet in closed  
10 session.

11                   (2) Before a public body meets in closed session, the presiding officer  
12 shall:

13                           (i) conduct a recorded vote on the closing of the session; and

14                           (ii) make a written statement of the reason for closing the  
15 meeting, including a citation of the authority under this section, and a listing of the  
16 topics to be discussed.

17                   (3) If a person objects to the closing of a session, the public body shall  
18 send a copy of the written statement required under paragraph (2) of this subsection  
19 to the Board.

20                   (4) The written statement shall be a matter of public record.

21                   (5) A public body shall keep a copy of the written statement made  
22 under paragraph (2)(ii) of this subsection for at least 1 year after the date of the  
23 session.

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 June 1, 2008.