

HOUSE BILL 1584

P3, F2

6lr3751

By: **Delegate Bromwell (By Request)**

Introduced and read first time: February 24, 2016

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Open Meetings Act – Board of Regents of the University System of Maryland**
3 **– Closed Sessions**

4 FOR the purpose of authorizing the Board of Regents of the University System of Maryland
5 to meet in closed session or adjourn an open session to a closed session to discuss
6 certain matters; making conforming changes; making a technical change; and
7 generally relating to the authority of the Board of Regents of the University System
8 of Maryland to meet in closed sessions.

9 BY repealing and reenacting, with amendments,
10 Article – General Provisions
11 Section 3–206(b)(2)(ii) and 3–305
12 Annotated Code of Maryland
13 (2014 Volume and 2015 Supplement)

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

16 **Article – General Provisions**

17 3–206.

18 (b) (2) On request of the Board, the public body shall include with its written
19 response to the complaint a copy of:

20 (ii) any written statement made under [§ 3–305(d)(2)(ii)] §
21 **3–305(E)(2)(II)** of this title; and

22 3–305.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) The exceptions in [subsection (b)] **SUBSECTIONS (B) AND (C)** of this section
2 shall be strictly construed in favor of open meetings of public bodies.

3 (b) Subject to [subsection (d)] **SUBSECTIONS (C) THROUGH (E)** of this section, a
4 public body may meet in closed session or adjourn an open session to a closed session only
5 to:

6 (1) discuss:

7 (i) the appointment, employment, assignment, promotion,
8 discipline, demotion, compensation, removal, resignation, or performance evaluation of an
9 appointee, employee, or official over whom it has jurisdiction; or

10 (ii) any other personnel matter that affects one or more specific
11 individuals;

12 (2) protect the privacy or reputation of an individual with respect to a
13 matter that is not related to public business;

14 (3) consider the acquisition of real property for a public purpose and
15 matters directly related to the acquisition;

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

18 (5) consider the investment of public funds;

19 (6) consider the marketing of public securities;

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

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

23 (9) conduct collective bargaining negotiations or consider matters that
24 relate to the negotiations;

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

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

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

29 (11) prepare, administer, or grade a scholastic, licensing, or qualifying
30 examination;

1 (12) conduct or discuss an investigative proceeding on actual or possible
2 criminal conduct;

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

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

9 **(C) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, THE BOARD**
10 **OF REGENTS OF THE UNIVERSITY SYSTEM OF MARYLAND MAY MEET IN CLOSED**
11 **SESSION OR ADJOURN AN OPEN SESSION TO A CLOSED SESSION TO DISCUSS:**

12 **(1) THE HONORARY OR PHILANTHROPIC NAMING OF A FACILITY, A**
13 **LANDSCAPE FEATURE, OR AN OUTDOOR AREA OR A PORTION OF A FACILITY, A**
14 **LANDSCAPE FEATURE, OR AN OUTDOOR AREA BY THE UNIVERSITY SYSTEM OF**
15 **MARYLAND OR A CONSTITUENT INSTITUTION, CENTER, OR INSTITUTE OF THE**
16 **UNIVERSITY SYSTEM OF MARYLAND;**

17 **(2) THE HONORARY OR PHILANTHROPIC NAMING OF A SCHOOL, A**
18 **COLLEGE, A DEPARTMENT, A CENTER, AN INSTITUTE, A PROGRAM, OR SIMILAR**
19 **HONORARY OR PHILANTHROPIC NAMING BY THE BOARD OF REGENTS;**

20 **(3) THE BESTOWING OF AN HONOR, INCLUDING AN HONORARY**
21 **DEGREE, BY THE BOARD OF REGENTS;**

22 **(4) THE REVOCATION BY THE BOARD OF REGENTS OF AN HONORARY**
23 **OR A PHILANTHROPIC NAMING DESCRIBED IN ITEM (1) OR (2) OF THIS SUBSECTION**
24 **OR AN HONOR BESTOWED;**

25 **(5) A PHILANTHROPIC GIFT OR DONATION OR A PROSPECTIVE**
26 **PHILANTHROPIC GIFT OR DONATION TO THE UNIVERSITY SYSTEM OF MARYLAND,**
27 **A CONSTITUENT INSTITUTION, CENTER, OR INSTITUTE, OR AN AFFILIATED**
28 **FOUNDATION OR ALUMNI ASSOCIATION;**

29 **(6) THE ESTABLISHMENT OF A BUSINESS OR BUSINESS ENTITY BY THE**
30 **BOARD OF REGENTS UNDER § 12-104.1 OR § 12-113 OF THE EDUCATION ARTICLE**
31 **IF THE BOARD OF REGENTS DETERMINES THAT A DISCUSSION IN AN OPEN MEETING**
32 **COULD ADVERSELY AFFECT THE COMPETITIVE POSITION OF THE BUSINESS OR**
33 **BUSINESS ENTITY;**

1 **(7) THE INVESTMENT IN, FINANCING OF, OR OPERATION OF A**
2 **BUSINESS OR BUSINESS ENTITY ESTABLISHED BY THE BOARD OF REGENTS UNDER**
3 **§ 12-104.1 OR § 12-113 OF THE EDUCATION ARTICLE IF THE BOARD OF REGENTS**
4 **DETERMINES THAT A DISCUSSION IN AN OPEN MEETING COULD ADVERSELY AFFECT**
5 **THE COMPETITIVE POSITION OF THE BUSINESS OR BUSINESS ENTITY; OR**

6 **(8) ANY RESEARCH, ANALYSIS, PROPOSAL, OR PLAN RELATING TO**
7 **THE COMPETITIVE POSITION OF THE UNIVERSITY SYSTEM OF MARYLAND, A**
8 **CONSTITUENT INSTITUTION, CENTER, OR INSTITUTE OR A PART OF THE UNIVERSITY**
9 **SYSTEM OF MARYLAND OR CONSTITUENT INSTITUTION, CENTER OR INSTITUTE IF**
10 **THE BOARD OF REGENTS DETERMINES THAT A DISCUSSION IN AN OPEN MEETING**
11 **COULD ADVERSELY AFFECT THE COMPETITIVE POSITION WITH RESPECT TO OTHER**
12 **PROVIDERS OF EDUCATION SERVICES.**

13 **[(c)] (D)** A public body that meets in closed session under this section may not
14 discuss or act on any matter not authorized under subsection (b) **OR (C)** of this section.

15 **[(d)] (E)** (1) Unless a majority of the members of a public body present and
16 voting vote in favor of closing the session, the public body may not meet in closed session.

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

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

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

22 (3) If a person objects to the closing of a session, the public body shall send
23 a copy of the written statement to the Board.

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

25 (5) A public body shall keep a copy of the written statement for at least 1
26 year after the date of the session.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2016.