

SENATE BILL 719

F2

(9lr1982)

ENROLLED BILL

— Education, Health, and Environmental Affairs/Appropriations —

Introduced by **Senators Elfreth, Rosapepe, Augustine, Beidle, Benson, Carter, Ellis, Feldman, Ferguson, Griffith, Guzzone, Hayes, Hester, Hough, Kagan, King, Klausmeier, Kramer, Lam, Lee, Miller, Nathan-Pulliam, Patterson, Peters, Pinsky, ~~Rosapepe~~, Smith, Waldstreicher, Washington, Young, Zirkin, and Zucker**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **University System of Maryland – Board of Regents – Transparency and**
3 **Oversight**

4 FOR the purpose of altering the membership of the Board of Regents of the University
5 System of Maryland; requiring the President of the Senate and the Speaker of the
6 House of Delegates to appoint certain members to the Board; requiring the Senate
7 to consider appointees to the Board collectively during a certain period of time to
8 ensure a certain balance of membership; requiring the Governor to notify the Senate
9 of certain appointments; specifying when the Board shall elect a chairperson;
10 requiring the chairperson, except under certain circumstances, to serve in the
11 position subject to the advice and consent of the Senate; altering the term of the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 student members of the Board; requiring the Board to make certain meetings
 2 available to the public by live and archived video streaming and to make certain
 3 documents available to the public; ~~requiring the Board to conduct certain activities~~
 4 ~~in open session~~; altering the voting rights of the student members of the Board;
 5 making conforming changes; requiring the Board to review certain annual
 6 statements; requiring the Board to provide certain education and training to certain
 7 Board members at certain times; requiring the Board to approve the membership of
 8 certain search committees; requiring the Board to notify certain individuals at least
 9 a certain number of days before certain financial incentives go into effect; providing
 10 for the termination of certain provisions of this Act; and generally relating to the
 11 Board of Regents of the University System of Maryland.

12 BY repealing and reenacting, with amendments,

13 Article – Education

14 Section 12–102 ~~and 12–103~~, 12–103, 12–108(b)(3), and 12–109(a)

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2018 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – Education

19 Section 12–104(a)

20 Annotated Code of Maryland

21 (2018 Replacement Volume and 2018 Supplement)

22 BY adding to

23 Article – Education

24 Section 12–104(p) and (q)

25 Annotated Code of Maryland

26 (2018 Replacement Volume and 2018 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

28 That the Laws of Maryland read as follows:

29 **Article – Education**

30 12–102.

31 (a) (1) There is a body corporate and politic known as the University System
 32 of Maryland.

33 (2) The University is an instrumentality of the State and a public
 34 corporation.

35 (3) The University is an independent unit of State government.

36 (4) The exercise by the University of the powers conferred by this subtitle
 37 is the performance of an essential public function.

1 (b) The government of the University System of Maryland is vested in the Board
2 of Regents of the University System of Maryland.

3 (c) The Board of Regents consists of [~~17~~] **21** members as follows:

4 (1) (i) Except as provided in item (ii) of this item, [~~one member~~] **TWO**
5 **MEMBERS** shall be [~~a~~] full-time [~~student~~] **STUDENTS** in good academic standing at an
6 institution under the jurisdiction of the Board; and

7 (ii) A student member who is in good academic standing at the
8 University of Maryland University College shall be exempt from the full-time student
9 requirement in item (i) of this item;

10 (2) One member shall be the [~~State~~] Secretary of Agriculture ex officio;
11 [~~and~~]

12 **(3) ONE MEMBER SHALL BE THE SECRETARY OF COMMERCE EX**
13 **OFFICIO;**

14 **(4) ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE**
15 **SENATE;**

16 **(5) ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE**
17 **HOUSE; AND**

18 **[(3)] (6)** The remaining members of the Board shall be residents of the
19 State [~~and~~], shall be appointed from the general public, **AND SHALL INCLUDE AT LEAST:**

20 **(I) ONE INDIVIDUAL WITH A BACKGROUND IN HIGHER**
21 **EDUCATION ADMINISTRATION;**

22 **(II) ONE INDIVIDUAL WITH A BACKGROUND IN FINANCE; AND**

23 **(III) ONE INDIVIDUAL WITH A BACKGROUND IN DIVERSITY AND**
24 **WORKPLACE INCLUSION.**

25 (d) In making appointments to the Board, the Governor, **THE PRESIDENT OF**
26 **THE SENATE, AND THE SPEAKER OF THE HOUSE** shall consider representation from all
27 parts of the State.

28 (e) **(1) [Except for the Secretary of Agriculture, each] EACH** member of the
29 Board **APPOINTED UNDER SUBSECTION (C)(1) AND (6) OF THIS SECTION** shall be
30 appointed by the Governor, with the advice and consent of the Senate.

1 **(2) AFTER THE 40TH DAY, AND BEFORE THE 80TH DAY, FROM THE**
2 **COMMENCEMENT OF EACH REGULAR SESSION OF THE GENERAL ASSEMBLY, THE**
3 **SENATE SHALL CONSIDER EACH YEAR’S APPOINTEES TO THE BOARD COLLECTIVELY**
4 **TO ENSURE ADEQUATE BALANCE OF MEMBERSHIP.**

5 (f) (1) Except for the student [member] **MEMBERS**, each appointed member
6 serves for a term of 5 years from July 1 of the year of appointment and until a successor is
7 appointed and qualifies. These members may be reappointed.

8 (2) The student [member] **MEMBERS** shall be appointed for a term of [1
9 year] **2 YEARS**, from July 1, and may be reappointed if the student remains a student at
10 any campus of the University System of Maryland.

11 (3) A member appointed to fill a vacancy in an unexpired term serves only
12 for the remainder of that term and until a successor is appointed and qualifies.

13 (g) (1) **(I)** Except for the Secretary of Agriculture **AND THE SECRETARY**
14 **OF COMMERCE**, and subject to paragraph (2) of this subsection, a member may not serve
15 more than 2 consecutive full terms.

16 **(II) AT THE EXPIRATION OF EACH MEMBER’S FULL TERM, THE**
17 **GOVERNOR SHALL APPOINT A REPLACEMENT MEMBER OR SHALL SUBMIT A LETTER**
18 **TO THE SENATE IN ORDER TO EXTEND THE TERM OF THE EXISTING MEMBER.**

19 (2) The unexpired or partial term of a member appointed to fill a vacancy
20 occurring during a 5–year term does not qualify as a full term for the newly appointed
21 member.

22 (h) Each member of the Board:

23 (1) Serves without compensation; and

24 (2) Is entitled to reimbursement for expenses in accordance with the
25 Standard State Travel Regulations.

26 12–103.

27 (a) **(1)** **[Each] IN DECEMBER EACH** year, the Board of Regents shall elect
28 from among the members of the Board of Regents:

29 **[(1)] (I)** A chairperson; and

30 **[(2)] (II)** Any other officer it requires.

1 **(2) (I) ~~THE~~ EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
 2 **PARAGRAPH, THE MEMBER ELECTED AS CHAIRPERSON SHALL SERVE IN THAT**
 3 **POSITION SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.**

4 **(II) A CHAIRPERSON WHO HAS BEEN CONFIRMED BY THE**
 5 **SENATE IS NOT SUBJECT AGAIN TO THE ADVICE AND CONSENT OF THE SENATE**
 6 **DURING THE PERIOD OF CONTINUOUS SERVICE AS CHAIRPERSON.**

7 (b) (1) (I) [The] **SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS**
 8 **PARAGRAPH, THE** Board shall determine the time and place of its meetings and may adopt
 9 rules for the conduct of its meetings.

10 **(II) THE BOARD SHALL MAKE AVAILABLE TO THE PUBLIC LIVE**
 11 **AND ARCHIVED VIDEO STREAMING OF EACH OPEN MEETING AND SHALL ALLOW TIME**
 12 **AT EACH OPEN MEETING FOR PUBLIC COMMENT.**

13 **(III) THE BOARD SHALL:**

14 ~~1. INCLUDE~~ **INCLUDE ALL MOTIONS AND VOTE TALLIES**
 15 **FROM OPEN AND CLOSED SESSIONS IN PUBLICLY AVAILABLE BOARD MEETING**
 16 **MINUTES; ~~AND~~**

17 ~~2. CONDUCT ANY VOTES RELATED TO THE EMPLOYMENT~~
 18 **~~OR TERMINATION OF UNIVERSITY PRESIDENTS OR THE CHANCELLOR IN AN OPEN~~**
 19 **~~SESSION.~~**

20 (2) The Governor, the State Treasurer, and the State Comptroller shall be
 21 notified of all meetings of the Board and may sit with the Board at any meeting.

22 (3) The Secretary of Budget and Management, the Chairmen of the Senate
 23 Finance and Budget and Taxation Committees, and the Chairmen of the House Ways and
 24 Means and Appropriations Committees shall be invited to sit with the Board at any
 25 meetings of the Board at which requests for appropriations are prepared.

26 (4) A majority of the voting members shall constitute a quorum for the
 27 transaction of business.

28 (5) No formal action may be taken by the Board without the approval of a
 29 majority of the voting members of the Board.

30 **(6) (I) OF THE TWO STUDENT MEMBERS, ONLY ONE MEMBER**
 31 **SHALL BE A VOTING MEMBER OF THE BOARD EACH YEAR.**

32 **(II) A STUDENT MEMBER SHALL BE A VOTING MEMBER OF THE**
 33 **BOARD FOR ONLY 1 YEAR OF A 2-YEAR TERM.**

1 12-104.

2 (a) In addition to any other powers granted and duties imposed by this title, and
 3 subject to the provisions of Title 11 of this article and any other restriction imposed by law
 4 by specific reference to the University System of Maryland, or by any trust agreement
 5 involving a pledge of property or money, the Board of Regents has the powers and duties set
 6 forth in this section.

7 (P) THE BOARD OF REGENTS SHALL REVIEW THE ANNUAL FINANCIAL
 8 DISCLOSURE STATEMENTS FILED BY THE CHANCELLOR AND THE PRESIDENTS OF
 9 EACH CONSTITUENT INSTITUTION IN ACCORDANCE WITH § 5-607 OF THE GENERAL
 10 PROVISIONS ARTICLE.

11 (Q) THE BOARD OF REGENTS SHALL PROVIDE EACH MEMBER APPOINTED TO
 12 THE BOARD, AT THE TIME OF APPOINTMENT, AND AT REASONABLE INTERVALS, WITH
 13 EDUCATION AND TRAINING ON THE BOARD'S GOVERNANCE POLICIES, FIDUCIARY
 14 RESPONSIBILITIES, LEGAL OBLIGATIONS, OVERSIGHT OF PERSONNEL POLICIES,
 15 OVERSIGHT OF CONSTITUENT INSTITUTIONS, AND OTHER RESPONSIBILITIES.

16 12-109.

17 (a) (1) Except as provided in Subtitle 3 of this title, AND SUBJECT TO
 18 PARAGRAPH (2) OF THIS SUBSECTION, in consultation with the Chancellor and after a
 19 thorough search, the Board of Regents shall appoint a qualified person as president of each
 20 constituent institution.

21 (2) THE BOARD OF REGENTS SHALL APPROVE THE MEMBERSHIP OF
 22 ANY SEARCH COMMITTEE CONVENED TO RECOMMEND A QUALIFIED PERSON AS
 23 PRESIDENT OF A CONSTITUENT INSTITUTION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 25 as follows:

26 Article – Education

27 12-108.

28 (b) (3) (I) [The] SUBJECT TO SUBPARAGRAPH (II) OF THIS
 29 PARAGRAPH, THE Chancellor is entitled to the compensation established by the Board.

30 (II) THE BOARD OF REGENTS SHALL NOTIFY THE GOVERNOR,
 31 THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE AT LEAST 30
 32 DAYS BEFORE A CONTRACTUAL SALARY INCREASE, NEGOTIATED SEVERANCE

1 PACKAGE, OR ANY OTHER FINANCIAL BONUS FOR THE CHANCELLOR GOES INTO
2 EFFECT.

3 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2019. Section 2 of this Act shall remain effective for a period of 2 years and, at the
5 end of June 30, 2021, Section 2 of this Act, with no further action required by the General
6 Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.