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By: Senators Hogan, Brochin, Hollinger, Kasemeyer, Klausmeier, and Schrader

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1	ΔN	ΔCT	concerning
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- 2 Higher Education University of Maryland University College Governing
 Authority
- 4 FOR the purpose of establishing that the University of Maryland University College
- 5 is an instrumentality of the State; providing that the exercise of certain powers
- by the University of Maryland University College is for a certain purpose;
- authorizing a custodian to deny inspection of certain public records pertaining to
- 8 the University of Maryland University College; declaring the intent of the
- 9 General Assembly; clarifying the name of a certain institution; and generally
- relating to the governing authority and operations of the University of Maryland
- 11 University College.
- 12 BY repealing and reenacting, with amendments,
- 13 Article Education
- 14 Section 13-101
- 15 Annotated Code of Maryland
- 16 (2004 Replacement Volume and 2004 Supplement)
- 17 BY adding to
- 18 Article State Government
- 19 Section 10-618(1)
- 20 Annotated Code of Maryland
- 21 (2004 Replacement Volume)
- 22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 23 MARYLAND, That the Laws of Maryland read as follows:
- 24 Article Education
- 25 13-101.
- 26 (A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE UNIVERSITY OF
- 27 MARYLAND UNIVERSITY COLLEGE:

1 OPERATE AS MARYLAND'S OPEN UNIVERSITY SERVING (1) 2 NONTRADITIONAL STUDENTS WHO RESIDE IN MARYLAND, THE UNITED STATES, AND 3 THROUGHOUT THE WORLD; PROVIDE THE CITIZENS OF MARYLAND WITH AFFORDABLE, OPEN (2)5 ACCESS HIGHER EDUCATION; AND CONTINUE AS A LEADER IN DISTRIBUTED HIGHER EDUCATION. 6 (3) 7 [(a)](1) There is a [University College in the University of Maryland] 8 UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE which is not a new [branch] 9 CONSTITUENT INSTITUTION of the University SYSTEM of Maryland. AS A CONSTITUENT INSTITUTION OF THE UNIVERSITY SYSTEM OF 10 (2) 11 MARYLAND, THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE IS AN 12 INSTRUMENTALITY OF THE STATE. 13 THE EXERCISE BY THE UNIVERSITY OF MARYLAND UNIVERSITY 14 COLLEGE OF ITS CONFERRED POWERS, INCLUDING ITS OVERSEAS OPERATIONS, IS 15 THE PERFORMANCE OF AN ESSENTIAL PUBLIC FUNCTION. The provisions of § 12-105(a) of this article do not apply to the 16 17 overseas operations of [University College. University College] THE UNIVERSITY OF 18 MARYLAND UNIVERSITY COLLEGE. THE INSTITUTION may spend the appropriation 19 without the approval of the Board of Public Works and without submitting a detailed 20 budget schedule to the Board of Public Works. 21 [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY [(c)]22 COLLEGE shall prepare an annual financial information statement for the next 23 following fiscal year and shall submit the statement to the Department of Budget and 24 Management each year before October 1. The annual financial information statement 25 shall include for the next following fiscal year: 26 An estimate of the total revenues of [University College] THE (1) 27 UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE, including revenues from tuitions, 28 fees, gifts, grants, and interest income; 29 An estimate of the value of services which the other units of the 30 University of Maryland and other State agencies provide to [University College] THE 31 UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE; and 32 An estimate of the total cost of salaries and personnel benefits for 33 employees of [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY 34 COLLEGE. 35 The interest or income from the investment of the funds of 36 [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE by the 37 State Treasurer shall be credited to [University College] THE UNIVERSITY OF 38 MARYLAND UNIVERSITY COLLEGE.

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3	(2) Any unexpended or unencumbered balance of the annual appropriation for [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE, except any appropriation from the General Fund of the State, shall not revert to the General Fund of the State at the end of the State's fiscal year.
5 6	[(e)] (F) [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE may:
7 8	(1) Purchase, lease, or rent motor vehicles for use in overseas programs; and
9 10	(2) Purchase, lease, or rent mechanical or electronic data or information processing equipment and related services for its overseas programs.
13 14	[(f)] (G) (1) Each year [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE shall cause an independent certified public accountant to prepare audited financial statements of [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE in accordance with generally accepted auditing standards accompanied by the auditor's report on the statements.
	(2) The provisions of § 12-105(f) of this article do not apply to [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE overseas programs.
19	Article - State Government
20	10-618.
	(L) A CUSTODIAN MAY DENY INSPECTION OF ANY PART OF A PUBLIC RECORD THAT IS RELATED TO THE COMPETITIVE POSITION OF THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE THAT CONTAINS:
	(1) A PROPOSAL GENERATED, RECEIVED, OR NEGOTIATED BY THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE RELATED TO A BUSINESS TRANSACTION;
27 28	(2) PRICES OR FEES CHARGED BY THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE RELATED TO A BUSINESS TRANSACTION; OR
29	(3) RESEARCH OR ANALYSIS.
30 31	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.