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

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 9, 2005

CHAPTER _____

1 AN ACT concerning

2 **Higher Education - University of Maryland University College - Governing**
 3 **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
 6 by the University of Maryland University College is for a certain purpose;
 7 authorizing a custodian to deny inspection of certain public records pertaining to
 8 the University of Maryland University College; prohibiting a custodian from
 9 denying inspection of certain public records relating to the University of
 10 Maryland University College under certain circumstances; declaring the intent
 11 of the General Assembly; clarifying the name of a certain institution; and
 12 generally relating to the governing authority and operations of the University of
 13 Maryland University College.

14 BY repealing and reenacting, with amendments,
 15 Article - Education
 16 Section 13-101
 17 Annotated Code of Maryland
 18 (2004 Replacement Volume and 2004 Supplement)

19 BY adding to
 20 Article - State Government
 21 Section 10-618(l)
 22 Annotated Code of Maryland
 23 (2004 Replacement Volume)

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

3 **Article - Education**

4 13-101.

5 (A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE UNIVERSITY OF
6 MARYLAND UNIVERSITY COLLEGE:

7 (1) OPERATE AS MARYLAND'S OPEN UNIVERSITY SERVING
8 NONTRADITIONAL STUDENTS WHO RESIDE IN MARYLAND, THE UNITED STATES, AND
9 THROUGHOUT THE WORLD;

10 (2) PROVIDE THE CITIZENS OF MARYLAND WITH AFFORDABLE, OPEN
11 ACCESS HIGHER EDUCATION; AND

12 (3) CONTINUE AS A LEADER IN DISTRIBUTED HIGHER EDUCATION.

13 [(a)] (B) (1) There is a [University College in the University of Maryland]
14 UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE which is not a new [branch]
15 CONSTITUENT INSTITUTION of the University SYSTEM of Maryland.

16 (2) AS A CONSTITUENT INSTITUTION OF THE UNIVERSITY SYSTEM OF
17 MARYLAND, THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE IS AN
18 INSTRUMENTALITY OF THE STATE.

19 (3) THE EXERCISE BY THE UNIVERSITY OF MARYLAND UNIVERSITY
20 COLLEGE OF ITS ~~CONFERRED~~ POWERS, INCLUDING ITS OVERSEAS OPERATIONS, IS
21 THE PERFORMANCE OF AN ESSENTIAL PUBLIC FUNCTION.

22 [(b)] (C) The provisions of § 12-105(a) of this article do not apply to the
23 overseas operations of [University College. University College] THE UNIVERSITY OF
24 MARYLAND UNIVERSITY COLLEGE. THE INSTITUTION may spend the appropriation
25 without the approval of the Board of Public Works and without submitting a detailed
26 budget schedule to the Board of Public Works.

27 [(c)] (D) [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY
28 COLLEGE shall prepare an annual financial information statement for the next
29 following fiscal year and shall submit the statement to the Department of Budget and
30 Management each year before October 1. The annual financial information statement
31 shall include for the next following fiscal year:

32 (1) An estimate of the total revenues of [University College] THE
33 UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE, including revenues from tuitions,
34 fees, gifts, grants, and interest income;

35 (2) An estimate of the value of services which the other units of the
36 University of Maryland and other State agencies provide to [University College] THE
37 UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE; and

1 (3) An estimate of the total cost of salaries and personnel benefits for
 2 employees of [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY
 3 COLLEGE.

4 [(d)] (E) (1) The interest or income from the investment of the funds of
 5 [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE by the
 6 State Treasurer shall be credited to [University College] THE UNIVERSITY OF
 7 MARYLAND UNIVERSITY COLLEGE.

8 (2) Any unexpended or unencumbered balance of the annual
 9 appropriation for [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY
 10 COLLEGE, except any appropriation from the General Fund of the State, shall not
 11 revert to the General Fund of the State at the end of the State's fiscal year.

12 [(e)] (F) [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY
 13 COLLEGE may:

14 (1) Purchase, lease, or rent motor vehicles for use in overseas programs;
 15 and

16 (2) Purchase, lease, or rent mechanical or electronic data or information
 17 processing equipment and related services for its overseas programs.

18 [(f)] (G) (1) Each year [University College] THE UNIVERSITY OF
 19 MARYLAND UNIVERSITY COLLEGE shall cause an independent certified public
 20 accountant to prepare audited financial statements of [University College] THE
 21 UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE in accordance with generally
 22 accepted auditing standards accompanied by the auditor's report on the statements.

23 (2) The provisions of § 12-105(f) of this article do not apply to
 24 [University College] THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE
 25 overseas programs.

26 **Article - State Government**

27 10-618.

28 (L) (1) A CUSTODIAN MAY DENY INSPECTION OF ANY PART OF A PUBLIC
 29 RECORD THAT ~~IS RELATED TO THE COMPETITIVE POSITION OF~~ RELATES TO THE
 30 UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE COLLEGE'S COMPETITIVE
 31 POSITION WITH RESPECT TO OTHER PROVIDERS OF EDUCATION SERVICES AND THAT
 32 CONTAINS:

33 (1) ~~A PROPOSAL GENERATED, RECEIVED, OR NEGOTIATED BY THE~~
 34 ~~UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE RELATED TO A BUSINESS~~
 35 ~~TRANSACTION;~~

36 (2) ~~PRICES OR FEES CHARGED BY THE UNIVERSITY OF MARYLAND~~
 37 ~~UNIVERSITY COLLEGE RELATED TO A BUSINESS TRANSACTION; OR~~

1 (3) ~~RESEARCH OR ANALYSIS.~~

2 (I) FEES, TUITION, CHARGES, AND ANY INFORMATION
3 SUPPORTING FEES, TUITION, AND CHARGES, PROPOSED, GENERATED, RECEIVED, OR
4 NEGOTIATED FOR RECEIPT BY THE UNIVERSITY OF MARYLAND UNIVERSITY
5 COLLEGE, EXCEPT FEES, TUITION, AND CHARGES PUBLISHED IN CATALOGUES AND
6 ORDINARILY CHARGED TO STUDENTS;

7 (II) A PROPOSAL GENERATED, RECEIVED, OR NEGOTIATED BY THE
8 UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE, OTHER THAN WITH ITS
9 STUDENTS, FOR THE PROVISION OF EDUCATION SERVICES; OR

10 (III) ANY RESEARCH, ANALYSIS, OR PLANS COMPILED BY OR FOR
11 THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE RELATING TO ITS
12 OPERATIONS OR PROPOSED OPERATIONS.

13 (2) A CUSTODIAN MAY NOT DENY INSPECTION OF ANY PART OF A
14 PUBLIC RECORD UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

15 (I) THE RECORD RELATES TO A PROCUREMENT BY THE
16 UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE;

17 (II) THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE IS
18 REQUIRED TO DEVELOP OR MAINTAIN THE RECORD BY LAW OR AT THE DIRECTION
19 OF THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF MARYLAND; OR

20 (III) 1. THE RECORD IS REQUESTED BY THE EXCLUSIVE
21 REPRESENTATIVE OF ANY BARGAINING UNIT OF EMPLOYEES OF THE UNIVERSITY OF
22 MARYLAND UNIVERSITY COLLEGE;

23 2. THE RECORD RELATES TO A MATTER THAT IS THE
24 SUBJECT OF COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN THE EXCLUSIVE
25 REPRESENTATIVE AND THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE; AND

26 3. THE EXCLUSIVE REPRESENTATIVE HAS ENTERED INTO A
27 NONDISCLOSURE AGREEMENT WITH THE UNIVERSITY OF MARYLAND UNIVERSITY
28 COLLEGE TO ENSURE THE CONFIDENTIALITY OF THE INFORMATION PROVIDED.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect October 1, 2005.

