

HOUSE BILL 533

F2

(9lr1651)

ENROLLED BILL

— Appropriations/Education, Health, and Environmental Affairs —

Introduced by **Delegates B. Barnes, Dumais, Hettleman, Korman, Lehman, Pena-Melnyk, and Solomon** ~~and Solomon~~ **Solomon, Haynes, Jackson, Jones, and Lierman**

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.

Speaker.

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
12 student members of the Board; requiring the Board to make certain meetings
13 available to the public by live and archived video streaming and to make certain
14 documents available to the public; ~~requiring the Board to conduct certain activities~~

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.



~~in open session or closed sessions; altering the voting rights of the student members of the Board; establishing the Workgroup to Study Oversight of the University System of Maryland; providing for the composition, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to review and compile information regarding certain matters; requiring the Workgroup to report its findings to the Governor and the General Assembly on or before a certain date; making conforming changes; requiring the Board to review certain annual statements; requiring the Board to provide certain education and training to certain Board members at certain times; requiring the Board to approve the membership of certain search committees; requiring the Board to notify certain individuals at least a certain number of days before certain financial incentives go into effect; providing for the termination of certain provisions of this Act; ~~providing for the termination of certain provisions of this Act;~~ and generally relating to the Board of Regents of the University System of Maryland.~~

BY repealing and reenacting, with amendments,
 Article – Education
 Section 12-102 ~~and 12-103~~, 12-103, 12-108(b)(3), and 12-109(a)
 Annotated Code of Maryland
 (2018 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 12-104(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

BY adding to
Article – Education
Section 12-104(p) and (q)
Annotated Code of Maryland
(2018 Replacement Volume and 2018 Supplement)

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

Article – Education

12-102.

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

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

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

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

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

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

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

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

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

15 (3) **ONE MEMBER SHALL BE THE SECRETARY OF COMMERCE EX**
16 **OFFICIO;**

17 (4) **ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE**
18 **SENATE;**

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

21 ~~[(3)]~~ (6) The remaining members of the Board shall be residents of the
22 State ~~[and]~~, shall be appointed from the general public, **AND SHALL INCLUDE:**

23 (I) **ONE INDIVIDUAL WITH A BACKGROUND IN HIGHER**
24 **EDUCATION ADMINISTRATION;**

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

26 (III) **ONE INDIVIDUAL WITH A BACKGROUND IN DIVERSITY AND**
27 **WORKPLACE INCLUSION.**

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

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

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

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

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

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

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

19 (II) **AT THE EXPIRATION OF EACH MEMBER'S FULL TERM, THE**
20 **GOVERNOR SHALL APPOINT A REPLACEMENT MEMBER OR SHALL SUBMIT A LETTER**
21 **TO THE SENATE IN ORDER TO EXTEND THE TERM OF THE EXISTING MEMBER.**

22 (2) The unexpired or partial term of a member appointed to fill a vacancy
23 occurring during a 5-year term does not qualify as a full term for the newly appointed
24 member.

25 (h) Each member of the Board:

26 (1) Serves without compensation; and

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

29 12-103.

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

32 [(1)] (I) A chairperson; and

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

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

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

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

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

14 (III) THE BOARD SHALL:

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

18 ~~2. CONDUCT NOTWITHSTANDING § 3-305 OF THE~~
19 ~~GENERAL PROVISIONS ARTICLE, CONDUCT ANY VOTES RELATED TO THE~~
20 ~~EMPLOYMENT OR TERMINATION OF UNIVERSITY PRESIDENTS OR THE CHANCELLOR~~
21 ~~IN AN OPEN A CLOSED SESSION; AND~~

22 ~~3. CONDUCT ANY VOTES RELATED TO THE~~
23 ~~TERMINATION OF UNIVERSITY PRESIDENTS OR THE CHANCELLOR IN AN OPEN~~
24 ~~SESSION.~~

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

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

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

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

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

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

7 12-104.

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

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

17 (Q) THE BOARD OF REGENTS SHALL PROVIDE EACH MEMBER APPOINTED TO
18 THE BOARD, AT THE TIME OF APPOINTMENT, AND AT REASONABLE INTERVALS, WITH
19 EDUCATION AND TRAINING ON THE BOARD'S GOVERNANCE POLICIES, FIDUCIARY
20 RESPONSIBILITIES, LEGAL OBLIGATIONS, OVERSIGHT OF PERSONNEL POLICIES,
21 OVERSIGHT OF CONSTITUENT INSTITUTIONS, AND OTHER RESPONSIBILITIES.

22 12-109.

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

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

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

32 Article – Education

33 12-108.

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

3 (II) THE BOARD OF REGENTS SHALL NOTIFY THE GOVERNOR,
4 THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE AT LEAST 30
5 DAYS BEFORE A CONTRACTUAL SALARY INCREASE, NEGOTIATED SEVERANCE
6 PACKAGE, OR ANY OTHER FINANCIAL BONUS FOR THE CHANCELLOR GOES INTO
7 EFFECT.

8 ~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~

9 ~~(a) There is a Workgroup to Study Oversight of the University System of~~
10 ~~Maryland.~~

11 ~~(b) The Workgroup consists of the following members:~~

12 ~~(1) three members of the Senate of Maryland, appointed by the President~~
13 ~~of the Senate; and~~

14 ~~(2) three members of the House of Delegates, appointed by the Speaker of~~
15 ~~the House.~~

16 ~~(c) The Department of Legislative Services shall provide staff for the Workgroup.~~

17 ~~(d) A member of the Workgroup:~~

18 ~~(1) may not receive compensation as a member of the Workgroup; but~~

19 ~~(2) is entitled to reimbursement for expenses under the Standard State~~
20 ~~Travel Regulations, as provided in the State budget.~~

21 ~~(e) The Workgroup shall:~~

22 ~~(1) review oversight policies for the constituent institutions under the~~
23 ~~University System of Maryland;~~

24 ~~(2) compile information on the governing structure of university boards~~
25 ~~nationally; and~~

26 ~~(3) review best practices for the organization, governance, and oversight of~~
27 ~~university systems and governing boards.~~

28 ~~(f) On or before December 31, 2019, the Workgroup shall report its findings to~~
29 ~~the Governor and, in accordance with § 2-1246 of the State Government Article, the~~
30 ~~General Assembly.~~

1 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2019. *Section 2 of this Act shall remain effective for a period of 2 years and, at the*
3 *end of June 30, 2021, Section 2 of this Act, with no further action required by the General*
4 *Assembly, shall be abrogated and of no further force and effect. ~~Section 2 of this Act shall~~*
5 *~~remain effective for a period of 1 year and, at the end of June 30, 2020, Section 2 of this~~*
6 *~~Act, with no further action required by the General Assembly, shall be abrogated and of no~~*
7 *~~further force and effect.~~*

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.