

HOUSE BILL 533

F2

9lr1651
CF SB 719

By: **Delegates B. Barnes, Dumais, Hettleman, Korman, Lehman, Pena–Melnyk,
and ~~Solomon~~ Solomon, Haynes, Jackson, Jones, and Lierman**

Introduced and read first time: February 4, 2019

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 26, 2019

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
15 in open ~~session~~ or closed sessions; altering the voting rights of the student members
16 of the Board; ~~establishing the Workgroup to Study Oversight of the University~~
17 ~~System of Maryland; providing for the composition, chair, and staffing of the~~
18 ~~Workgroup; prohibiting a member of the Workgroup from receiving certain~~
19 ~~compensation, but authorizing the reimbursement of certain expenses; requiring the~~
20 ~~Workgroup to review and compile information regarding certain matters; requiring~~
21 ~~the Workgroup to report its findings to the Governor and the General Assembly on~~
22 ~~or before a certain date; making conforming changes; providing for the termination~~
23 ~~of certain provisions of this Act; and generally relating to the Board of Regents of the~~
24 University System of Maryland.

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.



1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 12–102 and 12–103
4 Annotated Code of Maryland
5 (2018 Replacement Volume and 2018 Supplement)

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

8 **Article – Education**

9 12–102.

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

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

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

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

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

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

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

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

26 (2) One member shall be the [State] Secretary of Agriculture ex officio;
27 [and]

28 **(3) ONE MEMBER SHALL BE THE SECRETARY OF COMMERCE EX**
29 **OFFICIO;**

30 **(4) ONE MEMBER SHALL BE APPOINTED BY THE PRESIDENT OF THE**
31 **SENATE;**

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

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

5 **(I) ONE INDIVIDUAL WITH A BACKGROUND IN HIGHER**
6 **EDUCATION ADMINISTRATION;**

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

8 **(III) ONE INDIVIDUAL WITH A BACKGROUND IN DIVERSITY AND**
9 **WORKPLACE INCLUSION.**

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

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

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

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

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

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

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

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

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

7 (h) Each member of the Board:

8 (1) Serves without compensation; and

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

11 12–103.

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

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

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

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

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

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

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

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

29 1. **INCLUDE ALL MOTIONS AND VOTE TALLIES FROM**
 30 **OPEN AND CLOSED SESSIONS IN PUBLICLY AVAILABLE BOARD MEETING MINUTES;**
 31 ~~AND~~

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

5 **3. CONDUCT ANY VOTES RELATED TO THE**
 6 **TERMINATION OF UNIVERSITY PRESIDENTS OR THE CHANCELLOR IN AN OPEN**
 7 **SESSION.**

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

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

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

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

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

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

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

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

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

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

28 ~~(2) three members of the House of Delegates, appointed by the Speaker of~~
 29 ~~the House.~~

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

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

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

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

4 ~~(c) The Workgroup shall:~~

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.