A BILL ENTITLED

AN ACT concerning

State–Related Institutions – Required Reports

FOR the purpose of requiring certain State–related institutions to submit annually a certain financial disclosure report and a certain supplemental report for public institutions of postsecondary education to certain entities under certain circumstances; requiring a State–related institution to submit a certain annual list of certain contracts executed by the State–related institution to the Governor and General Assembly; requiring State–related institutions to make copies of certain meeting minutes and certain reports available for public inspection in a certain manner and for certain periods of time; requiring a certain list to be posted and maintained online in a certain manner for a certain period of time; and generally relating to reports from State–related institutions.

BY adding to
Article – General Provisions
Section 5–6A–01 through 5–6A–06 to be under the new subtitle “Subtitle 6A. State–Related Institutions”
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – General Provisions

SUBTITLE 6A. STATE–RELATED INSTITUTIONS.

5–6A–01.

IN THIS SUBTITLE, “STATE–RELATED INSTITUTION” INCLUDES:
(1) THE UNIVERSITY SYSTEM OF MARYLAND;

(2) MORGAN STATE UNIVERSITY;

(3) ST. MARY’S COLLEGE;

(4) A COMMUNITY COLLEGE ESTABLISHED UNDER TITLE 16 OF THE EDUCATION ARTICLE;

(5) AN INTERGOVERNMENTAL, REGIONAL, OR MUNICIPAL AGENCY, AUTHORITY, COUNCIL, BOARD, COMMISSION, OR OTHER GOVERNMENTAL ENTITY;

(6) AN ECONOMIC DEVELOPMENT AUTHORITY; AND

(7) AN INDUSTRIAL DEVELOPMENT AUTHORITY.

5–6A–02.

(A) (1) ON OR BEFORE SEPTEMBER 1 EACH YEAR, EACH STATE–RELATED INSTITUTION SHALL SUBMIT THE FOLLOWING REPORTS TO THE GOVERNOR, THE ATTORNEY GENERAL, AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, AND THE GENERAL ASSEMBLY:

(I) A FINANCIAL DISCLOSURE REPORT; AND

(II) FOR A STATE–RELATED INSTITUTION LISTED UNDER § 5–6A–01(1) THROUGH (4) OF THIS SUBTITLE, THE REPORT REQUIRED UNDER § 5–6A–03 OF THIS SUBTITLE.

(B) EACH STATE–RELATED INSTITUTION SHALL ANNUALLY DELIVER A PRINT COPY OF THE REPORTS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO EACH OF THE STATE REGIONAL LIBRARY RESOURCE CENTERS.

(b) THE FINANCIAL DISCLOSURE REPORT REQUIRED UNDER SUBSECTION (a)(1)(i) OF THIS SECTION SHALL INCLUDE:

(1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE INFORMATION REQUIRED BY IRS FORM 990, REGARDLESS OF WHETHER THE STATE–RELATED INSTITUTION IS REQUIRED TO FILE THE FORM BY THE FEDERAL GOVERNMENT;
(2) The salaries of all officers and directors of the State–related institution;

(3) The salaries of the 25 highest paid employees of the State–related institution that are not included under item (2) of this subsection;

(4) For a State–related institution with 2,500 employees or more, the salaries of the 175 highest paid employees of the State–related institution that are not included under item (2) of this subsection;

(5) Revenue and expenditure budgets of the State–related institution’s support units for the current fiscal year;

(6) The actual revenue and expenditures of the State–related institution for the prior fiscal year;

(7) For any defined project or program which is the subject of a specific line item appropriation from the State’s General Fund:

(I) Revenue and expenditure budgets of the defined program or project for the current fiscal year; and

(II) The actual revenue and expenditures of the defined program or project for the prior fiscal year;

(8) The revenue and expenditures of any auxiliary enterprise which is directly funded in whole or in part by tuition or a State appropriation for the current fiscal year;

(9) The most recent audited financial statement for the State–related institution; and

(10) The following information for the prior fiscal year for each academic or administrative support unit, for each defined project or program, and for an auxiliary enterprise:

(I) The number of employees, by rank;

(II) The number of administrators, staff, clerical, and technical service employees, by classification;
(III) Median and mean salary, by rank;

(IV) Median and mean salaries of administrators, staff, clerical, and technical service employees, by classification;

(V) Nonsalary compensation as a percentage of salary, including:
   1. Medical benefits;
   2. Life insurance benefits;
   3. Pension benefits;
   4. Leave benefits;
   5. Employer social security payments; and
   6. Workers' compensation benefits;

(VI) A statement of the state-related institution's retirement policies;

(VII) A policy statement relating to any reduction of tuition for education employees' family members; and

(VIII) An aggregate list of the expenses of travel, subsistence, and lodging, whether provided or reimbursed, by academic or administrative support unit.

The salaries provided under subsection (B)(3) and (4) of this section shall be presented:

(1) in salary ranges comprised of bands of not more than $75,000;

(2) with individual employee names itemized alphabetically in the respective salary range; and

(3) with the department of the state-related institution to which the employee is assigned presented with the name of the employee.
(d) The report submitted under subsection (a) of this section:

(1) may not include information relating to individual donors; and

(2) shall present financial statements in accordance with:

(I) the generally accepted accounting principles of the National Association of College and University Business Officers, the American Institute of Certified Public Accountants, or by another recognized authoritative body; and

(II) any financial reporting policies and standards adopted by the Ethics Commission and by the federal government that apply to the State–related institutions.

5–6A–03.

(a) In addition to the report submitted under § 5–6A–02(a)(1)(i) of this subtitle, a State–related institution listed under § 5–6A–01(1) through (4) of this subtitle shall submit a supplemental report which includes for the 12–month period beginning with the summer term of

the immediately preceding year:

(1) for each term during the period:

(1) the definition and number of:

1. faculty members employed full time;

2. faculty members employed part time;

3. full–time students enrolled in a graduate course;

4. full–time students enrolled in an undergraduate course;

5. part–time students enrolled in a graduate course; and

6. part–time students enrolled in an undergraduate course;
(II) THE TOTAL NUMBER OF:

1. UNDERGRADUATE STUDENT CREDIT HOURS, DIVIDED INTO LOWER DIVISION AND UPPER DIVISION COURSE LEVELS; AND

2. GRADUATE STUDENT CREDIT HOURS, DIVIDED INTO THREE COURSE LEVELS: MASTER'S, FIRST PROFESSIONAL, AND DOCTORAL;

(III) THE NUMBER OF DIFFERENT COURSES SCHEDULED BY LEVEL OF INSTRUCTION AND THE NUMBER OF SECTIONS OF INDIVIDUAL INSTRUCTION SCHEDULED BY LEVEL OF INSTRUCTION, EACH FURTHER SUBDIVIDED BY TWO–DIGIT CLASSIFICATION OF INSTRUCTIONAL PROGRAM CATEGORIES OF INSTRUCTIONAL PROGRAMS OF HIGHER EDUCATION AS DEFINED BY THE NATIONAL CENTER FOR EDUCATION STATISTICS, U.S. DEPARTMENT OF EDUCATION; AND

(IV) THE NUMBER OF TERMS SCHEDULED AND THE DATES OF THE TERMS;

(2) IN TOTAL AND FOR EACH PROGRAM CATEGORY:

(I) A CLASSIFICATION OF FACULTY MEMBERS OR OTHER PROFESSIONAL EMPLOYEES BY TITLE, INCLUDING:

1. PROFESSOR;

2. ASSOCIATE PROFESSOR;

3. ASSISTANT PROFESSOR;

4. INSTRUCTOR;

5. LECTURER;

6. RESEARCH ASSOCIATE;

7. LIBRARIAN; AND

8. ACADEMIC ADMINISTRATOR;

(II) FACULTY MEMBERS OR OTHER PROFESSIONAL EMPLOYEES UNDER EACH TITLE, CLASSIFIED AS TEACHING OR NONTEACHING;
(III) EACH SET OF FACULTY MEMBERS OR OTHER PROFESSIONAL
EMPLOYEES, DIVIDED BY FULL–TIME OR PART–TIME EMPLOYMENT;

(IV) THE FOLLOWING AGGREGATE FIGURES FOR EACH
SUBDIVIDED CLASSIFICATION:

1. THE NUMBER OF FACULTY AND OTHER
PROFESSIONAL EMPLOYEES AND THE FULL–TIME EQUIVALENT IN INSTRUCTIONAL
AND NONINSTRUCTIONAL FUNCTIONS;

2. THE SUM OF CREDITS ASSIGNED TO UNDERGRADUATE
CLASSROOM COURSES AND THE SUM OF CREDITS ASSIGNED TO GRADUATE
CLASSROOM COURSES TAUGHT, DIVIDED INTO LOWER DIVISION, UPPER DIVISION,
MASTER’S, FIRST PROFESSIONAL, AND DOCTORAL COURSE LEVELS;

3. THE SUM OF CREDITS ASSIGNED TO UNDERGRADUATE
INDIVIDUAL INSTRUCTION COURSES AND THE SUM OF CREDITS ASSIGNED TO
GRADUATE INDIVIDUAL INSTRUCTION COURSES TAUGHT, DIVIDED INTO LOWER
DIVISION, UPPER DIVISION, MASTER’S, FIRST PROFESSIONAL, AND DOCTORAL
COURSE LEVELS;

4. THE SUM OF UNDERGRADUATE CLASSROOM STUDENT
CREDIT HOURS AND THE SUM OF GRADUATE CLASSROOM STUDENT CREDIT HOURS
GENERATED, DIVIDED INTO LOWER DIVISION, UPPER DIVISION, MASTER’S, FIRST
PROFESSIONAL, AND DOCTORAL COURSE LEVELS;

5. THE SUM OF UNDERGRADUATE INDIVIDUAL
INSTRUCTION STUDENT CREDIT HOURS AND THE SUM OF GRADUATE INDIVIDUAL
INSTRUCTION STUDENT CREDIT HOURS GENERATED, DIVIDED INTO LOWER
DIVISION, UPPER DIVISION, MASTER’S, FIRST PROFESSIONAL, AND DOCTORAL
COURSE LEVELS; AND

6. THE TOTAL SALARY PAID FOR TEACHING FUNCTIONS
AND FOR NONTEACHING FUNCTIONS AND THE AMOUNT OF SALARY PAID FOR EACH
OF THESE FUNCTIONS FROM STATE–RELATED INSTITUTION FUNDS, FEDERAL
FUNDS, AND OTHER FUNDING SOURCES; AND

(V) FOR EACH TERM OF THE PERIOD COVERED, FOR EACH
FACULTY MEMBER EMPLOYED FULL TIME IDENTIFIED BY PROGRAM CATEGORY AND
TITLE, AN ANALYSIS OF THE AVERAGE HOURS PER WEEK SPENT ON:

1. ACTIVITIES RELATED TO THE STATE–RELATED
INSTITUTION, SPECIFYING HOURS SPENT IN UNDERGRADUATE CLASSROOM
CONTACT AND GRADUATE CLASSROOM CONTACT AND HOURS SPENT IN PREPARATION;

2. RESEARCH; AND

3. PUBLIC SERVICE; AND

(3) FOR EACH PROGRAM OF THE STATE–RELATED INSTITUTION:

(I) THE MINIMUM NUMBER OF CREDITS REQUIRED FOR A BACCALAUREATE DEGREE AND FOR A MASTER’S DEGREE; AND

(II) THE NUMBER OF BACHELOR’S DEGREES, MASTER’S DEGREES, FIRST PROFESSIONAL DEGREES, AND DOCTORAL DEGREES AWARDED IN EACH OF THE PREVIOUS 5 YEARS AND ESTIMATED TO BE AWARDED IN THE UPCOMING YEAR.

(B) THE REPORT REQUIRED UNDER § 5–6A–02(A)(1)(I) OF THIS SUBTITLE AND THE SUPPLEMENTAL REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE SUBMITTED IN ELECTRONIC FORMAT TO THE STATE DEPARTMENT OF EDUCATION.

5–6A–04.

(A) EACH STATE–RELATED INSTITUTION SHALL MAKE A COPY OF THE MINUTES OF EACH PUBLIC MEETING OF THE BOARD OF TRUSTEES OF THE STATE–RELATED INSTITUTION AVAILABLE FOR PUBLIC INSPECTION IN PRINT FORMAT AND ONLINE ON THE PUBLICLY ACCESSIBLE INTERNET WEBSITE OF THE STATE–RELATED INSTITUTION.

(B) MINUTES AVAILABLE UNDER SUBSECTION (A) OF THIS SECTION SHALL BE MAINTAINED IN PRINT AND ONLINE FOR AT LEAST 20 YEARS.

5–6A–05.

(A) A STATE–RELATED INSTITUTION SHALL MAKE A COPY OF THE REPORTS REQUIRED UNDER §§ 5–6A–02 AND 5–6A–03 OF THIS SUBTITLE AVAILABLE FOR PUBLIC INSPECTION:

(1) IN PRINT FORMAT IN THE LIBRARY OR, IF THE INSTITUTION DOES NOT HAVE A LIBRARY, IN THE LOCATION WHERE RECORDS ARE GENERALLY KEPT WITH A NOTICE PUBLISHED AS TO HOW TO ACCESS THE DOCUMENTS; AND
(2) On the publicly accessible Internet website of the State–related institution.

(B) The requirements of subsection (A) of this section shall be fulfilled in the following manner:

1. The information shall be posted online in a searchable, sortable, and downloadable database format that is freely accessible by the public; and

2. To the extent possible, the information for each year shall be posted in a similar manner in order to facilitate easy public review.

(C) The reports required under §§ 5–6A–02 and 5–6A–03 of this subtitle shall be maintained in print and online for at least 10 years.

5–6A–06.

(A) This section:

1. Applies to a purchase order evidencing new obligations;

2. Does not apply to a purchase order evidencing fulfillment of an existing contract; and

3. Does not apply to a contract for services that are protected by privilege.

(B) On or before September 1 each year, a State–related institution shall submit to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly a list of contracts executed by the State–related institution during the prior fiscal year in excess of $5,000 for the purchase of goods and services.

(C) The list required under subsection (B) of this section shall include for each contract:

1. Date of execution;

2. Amount of the contract;

3. Beginning date of the contract term;
(4) END DATE OF THE CONTRACT TERM, IF APPLICABLE;
(5) THE NAME AND ADDRESS OF THE CONTRACTOR; AND
(6) A BRIEF DESCRIPTION OF THE CONTRACT.

(D) THE LIST REQUIRED UNDER THIS SECTION SHALL BE POSTED AND MAINTAINED ON THE PUBLICLY ACCESSIBLE INTERNET WEBSITE OF THE STATE–RELATED INSTITUTION FOR AT LEAST 10 YEARS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.