

(b) (1) The public institutions of higher education are encouraged to promote private fundraising by strengthening institutional development activities and by maintaining relationships with affiliated foundations.

(2) Affiliated foundations that are independently established for this purpose shall ~~operate~~ subject to policies adopted by the governing boards and ~~BE~~ approved for form and legal sufficiency by the Attorney General.

(3) THE PRESIDENTS OF THE UNIVERSITY SYSTEM OF MARYLAND CONSTITUENT INSTITUTIONS MAY ESTABLISH CAMPUS-BASED FOUNDATIONS. EACH FOUNDATION NEED NOT BE APPROVED BY THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF MARYLAND BUT SHALL OPERATE SUBJECT TO POLICIES ADOPTED BY THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF MARYLAND IN CONSULTATION WITH THE PRESIDENTS OF THE UNIVERSITY SYSTEM OF MARYLAND CONSTITUENT INSTITUTIONS.

(4) AN AFFILIATED FOUNDATION ESTABLISHED AND OPERATED UNDER THIS SUBSECTION MAY NOT BE CONSIDERED AN AGENCY OR INSTRUMENTALITY OF THE STATE OR A UNIT OF THE EXECUTIVE BRANCH FOR ANY PURPOSE.

(5) A FINANCIAL OBLIGATION OR LIABILITY OF AN AFFILIATED FOUNDATION ESTABLISHED AND OPERATED UNDER THIS SUBSECTION MAY NOT BE CONSIDERED A DEBT OR AN OBLIGATION OF THE STATE OR THE UNIVERSITY SYSTEM OF MARYLAND.

[(3)] (4) (6) Sections 15-501 through 15-504 of the State Government Article do not bar an official or employee of a public institution of higher education from becoming a director, official, or employee of an independent foundation organized to foster fundraising and provide related services for the benefit of the institution.

[(4)] (6) (7) No funds shall be accepted from an affiliated foundation by a public institution of postsecondary education unless the fiscal affairs of the affiliated foundation are audited annually by an independent certified public accountant.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Regents of the University System of Maryland in consultation with the presidents of the University System of Maryland constituent institutions shall report to the General Assembly on or before September 1, 1999, in accordance with Section 2-1246 of the State Government Article, on a plan to transfer to any foundation established under this Act the assets held on behalf of any University System of Maryland constituent institution.~~

SECTION 2. 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1999.

Approved May 27, 1999.