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**By: Chairman, Commerce and Government Matters Committee (Departmental -  
Housing and Community Dev.) and Delegates Slade and Wood**

Introduced and read first time: January 30, 1997

Assigned to: Commerce and Government Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Historic St. Mary's City Commission Act**

3 FOR the purpose of reauthorizing the Historic St. Mary's City Commission as a public  
4 corporation; repealing provisions relating to the Historic St. Mary's City  
5 Commission under the Department of Housing and Community Development;  
6 specifying the composition, powers, and duties of the new Commission; authorizing  
7 a certain affiliation between the new Commission and St. Mary's College;  
8 authorizing the new Commission to borrow money and issue bonds under certain  
9 circumstances; providing for the acquisition of certain property; requiring the  
10 adoption of certain bylaws; requiring the new Commission to issue certain reports;  
11 providing for the funding of the new Commission; requiring certain audits;  
12 exempting the Commission from certain provisions of law; specifying certain  
13 transitional provisions; providing for the severability of this Act; and generally  
14 relating to the Historic St. Mary's City Commission.

15 BY repealing

16 Article 83B - Department of Housing and Community Development  
17 Section 5-201 through 5-212, inclusive, and the subtitle "Subtitle 2. Historic St.  
18 Mary's City Commission"  
19 Annotated Code of Maryland  
20 (1995 Replacement Volume and 1996 Supplement)

21 BY adding to

22 Article - Education  
23 Section 24-501 through 24-525, inclusive, to be under the new subtitle "Subtitle 5.  
24 Historic St. Mary's City Commission"  
25 Annotated Code of Maryland  
26 (1997 Replacement Volume)

27 Preamble

28 WHEREAS, The General Assembly recognizes the historical significance and  
29 archaeological value of Historic St. Mary's City as the site of Maryland's First Capital and  
30 has long supported its preservation, interpretation, and development; and

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1 WHEREAS, Historic St. Mary's City has not as yet become widely known or  
2 appreciated to the extent due this place of extraordinary historic and archaeological value  
3 located at a site of special natural beauty on the St. Mary's River; and

4 WHEREAS, The General Assembly is in receipt of the report of the Task Force  
5 chaired by Lieutenant Governor Kathleen Kennedy Townsend established by the  
6 Governor in April of 1996 to explore the potential for an affiliation between the Historic  
7 St. Mary's City Commission and St. Mary's College of Maryland in providing for the  
8 future operation and support of Historic St. Mary's City, as well as other options and  
9 opportunities to provide for the governance and support of Historic St. Mary's City; and

10 WHEREAS, The Historic St. Mary's City Commission has been successful in:

11 (a) acquiring and preserving 835 acres of the original Town Lands of St. Mary's  
12 City;

13 (b) constructing several outdoor museum exhibits, including an authentic 17th  
14 century sailing ship (The Dove), a public inn (Farthing's Ordinary), a tobacco plantation  
15 (Godiah Spray Plantation), and an Indian hamlet;

16 (c) developing on-site and off-site educational programs with costumed  
17 interpretive staff for elementary school students;

18 (d) identifying, through painstaking historical research, the major contributions  
19 the early Maryland settlers made in the development of American Civilization, such as  
20 religious toleration and representative government;

21 (e) archaeological investigations which have made discoveries of national and  
22 international significance, such as the first Roman Catholic Church in English America,  
23 the use of a unique and revolutionary urban design in the layout of the colony's first city,  
24 and most recently the discovery of three rare lead coffins containing members of  
25 Maryland's founding family, the Calverts; and

26 WHEREAS, The scientific and research elements of the program at Historic St.  
27 Mary's City have enjoyed widespread respect among its academic and research peers both  
28 nationally and internationally, for which the funding, organizational structure, and  
29 strategies for expanding the knowledge and appreciation of Historic St. Mary's City have  
30 not been adequate to date to provide the widespread public knowledge and appreciation  
31 the site so richly deserves; and

32 WHEREAS, The Commissioners of the Historic St. Mary's City Commission  
33 recognize that it is not economically feasible at the present time to develop Historic St.  
34 Mary's City into a major tourist attraction in the manner of Colonial Williamsburg or Old  
35 Sturbridge Village; and

36 WHEREAS, The Commission has determined that the most viable future for  
37 Historic St. Mary's City lies in a more intensive educational focus where the museum can  
38 serve as a center for education on a range of subjects, especially including historical  
39 archaeology and early colonial American history significant to Maryland as well as the  
40 nation; and

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1 WHEREAS, The General Assembly wishes to fulfill its pledge to preserve and  
 2 support Historic St. Mary's City and its archaeological treasures and ensure that its rich  
 3 historical, ecological, and archaeological legacy will be developed and shared with the  
 4 public in an appropriate and effective manner; and

5 WHEREAS, This Act aims to facilitate a more effective relationship with the  
 6 General Assembly, the community, regional, statewide, and national organizations of  
 7 similar interests, as well as with its highly successful neighbor, St. Mary's College of  
 8 Maryland; now, therefore,

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

11 **Article 83B - Department of Housing and Community Development**

12 [Subtitle 2. Historic St. Mary's City Commission.]

13 [5-201.

14 (a) There is a Historic St. Mary's City Commission in the Department.

15 (b) It is the intent of the General Assembly to grant the Commission broad  
 16 authority over its plans, proposals, and projects. However, a decision or determination  
 17 that the Commission makes under authority specifically delegated to it by law shall be  
 18 subject to concurrence by the Secretary, which shall not be unreasonably withheld.

19 (c) The power of the Secretary to transfer staff or functions of units in the  
 20 Department does not apply to any staff of the Commission.]

21 [5-202.

22 The purpose of the Historic St. Mary's City Commission is to preserve the historic  
 23 areas of St. Mary's City, to interpret findings related to the history of St. Mary's City, and  
 24 to educate the public about the historical events which occurred in, or were related to, St.  
 25 Mary's City.]

26 [5-203.

27 (a) The Historic St. Mary's City Commission consists of 13 voting members.

28 (b) Of the Commission members:

29 (1) 12 shall be appointed by the Governor with the advice and consent of  
 30 the Senate as follows:

31 (i) 3 shall be scholars of national stature, 1 of whom is an  
 32 archaeologist and 1 of whom is a colonial historian;

33 (ii) 1 shall be a representative from a nationally prominent museum;

34 (iii) 1 shall be a member of the Maryland business community;

35 (iv) 6 shall be members of the general public, at least 1 of whom is a  
 36 prominent member of the St. Mary's County community; and

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1 (v) 1 shall possess knowledge or experience in land preservation, land  
2 conservation, or a closely related field; and

3 (2) 1 shall be the Chairman of the St. Mary's College of Maryland Board of  
4 Trustees or the Chairman's designee.

5 (c) (1) The term of a member is 4 years and until a successor is appointed and  
6 qualifies. These terms are staggered as required by the terms of members as of July 1,  
7 1991.

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

10 (3) A member may be appointed to no more than 2 full consecutive terms. A  
11 member who has served less than a full 4-year term may be reappointed to 2 full terms.]

12 [5-204.

13 Each Commissioner shall be reimbursed for expenses incurred while actually  
14 engaged in the performance of the Commissioner's duties in accordance with the  
15 Standard State Travel Regulations.]

16 [5-205.

17 (a) Subject to the provisions of § 5-206 of this subtitle, and in addition to any  
18 powers provided elsewhere in this subtitle, the Commission has the following powers:

19 (1) To acquire, develop, preserve, and interpret historic, or cultural  
20 properties, buildings, fixtures, furnishings, facilities, collections, and appurtenances  
21 pertaining in any way to historic St. Mary's City and its environs, including the replica of  
22 the State House in St. Mary's City;

23 (2) To acquire and hold real and personal property of historic, aesthetic, or  
24 cultural significance, by gift, purchase, devise or bequest including the power to acquire  
25 other property in the vicinity of significant property if the Commission considers it  
26 necessary for the proper use and administration of historic St. Mary's City and its  
27 environs, to preserve and administer those properties, and to charge reasonable  
28 admission fees for entry to those properties;

29 (3) To accept gifts, grants, legacies, bequests, and endowments for any  
30 purpose which falls within that of the Commission and, unless otherwise specified by the  
31 person making the gift, grant, legacy, bequest, or endowment, the Commission may  
32 expend both principal and income of the gift, grant, bequest, legacy, or endowment to  
33 further the purposes of the Commission;

34 (4) To accept governmental grants from federal, State and local  
35 governments and instrumentalities;

36 (5) To apply all moneys, assets, property, or other things of value it may  
37 receive as an incident to its operation to the general purposes of the Commission;

38 (6) To cooperate with and assist, insofar as practicable, or enter into a  
39 contractual relationship with, any agency of the State or of any of its political

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1 subdivisions, and any private agency or person, in furtherance of the purposes of the  
2 Commission;

3 (7) To adopt and promulgate such rules as are necessary and proper and not  
4 inconsistent with this subtitle for the operation of the Commission and to effectuate the  
5 purposes of the Commission; and

6 (8) To delegate any of the powers herein conferred of a nonpolicy nature to  
7 any one or more of the Commissioners or to the Director of the Commission.

8 (b) Subject to the provisions of § 5-206 of this subtitle, and in addition to any  
9 duties provided elsewhere in this subtitle, the Commission has the following duties:

10 (1) To define and maintain the mission of historic St. Mary's City;

11 (2) To prepare an overall plan at least once every 5 years that establishes  
12 both short-range and long-range goals, objectives, and priorities for historic St. Mary's  
13 City in support of its mission; and

14 (3) To report annually to the Governor, the Secretary, and, subject to §  
15 2-1312 of the State Government Article, to the General Assembly as to the Commission's  
16 activities during the preceding year, together with any recommendations or requests it  
17 considers appropriate to further the purposes of the Commission.

18 (c) In addition to the duties provided elsewhere in this subtitle, the Commission  
19 shall cooperate with and consult with the Board of Trustees of St. Mary's College of  
20 Maryland to seek a joint approach for the furtherance of the missions of both institutions  
21 regarding:

22 (1) The identification, evaluation, preservation and interpretation of the  
23 significant historic and archeological resources located on their respective lands subject to  
24 the regulation of the Maryland Historical Trust under the authority of Subtitle 6 of this  
25 title;

26 (2) The development of mutually compatible physical development plans for  
27 their respective lands, including the identification and protection of areas important to  
28 the maintenance of an appropriate setting for both institutions;

29 (3) The sponsorship of high quality educational programs and activities for  
30 both the academic and general communities;

31 (4) The development of compatible or jointly beneficial promotional,  
32 fund-raising, outreach, tourism and other efforts; and

33 (5) The identification of other areas for mutual support and cooperative  
34 action.]

35 [5-206.

36 (a) (1) In this section, the following words have the meanings indicated.

37 (2) "Dwelling" means the dwelling house of one or more homeowners, and  
38 the curtilage where it is erected, which is used as the principal residence of that  
39 homeowner or homeowners.

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1 (3) "Homeowner" means a person who, on July 1, 1976, actually resides in a  
 2 dwelling in which that person has a legal interest, including any life estate, whether as  
 3 sole owner, joint tenant, tenant in common or tenant by the entirety.

4 (4) "Principal residence" means a dwelling actually occupied or expected to  
 5 be actually occupied by the homeowner or the homeowners for more than six consecutive  
 6 months of the present calendar year. Nonoccupancy of the dwelling because of illness or  
 7 the need for special care, of the homeowner, is occupancy for the purposes of this section.

8 (b) (1) When the Commission or other State agency commences the acquisition  
 9 by purchase, gift, or condemnation of the dwelling of a homeowner within the "take line"  
 10 established by the Commission, the Commission or other State agency shall offer in  
 11 writing the homeowner or homeowners a life estate in that property. Acceptance of the  
 12 life estate shall be taken into consideration when determining the value of the property.  
 13 Upon acceptance, the recipient of the life estate will pay real estate property taxes,  
 14 insurance, and ordinary maintenance costs. Requests for material alterations or additions  
 15 to the property must be submitted in writing to the Historic St. Mary's City Commission  
 16 and said request must be approved or disapproved by the Commission within 45 days of  
 17 the receipt of said request.

18 (2) In the case of a purchase, the Commission or other State agency shall  
 19 make the offer:

20 (i) At the time of each offer for purchase; and

21 (ii) In a document separate and apart from all other documents at the  
 22 time of ratification of the sales contract.

23 (3) In the case of a gift or condemnation, the Commission or other State  
 24 agency shall make the offer at the time of transfer of any right, title or interest, present or  
 25 future, in the property.

26 (c) The Commission or other State agency may offer at any time a life estate to  
 27 any other homeowner or property owner within the "take line".

28 (d) The homeowner or property owner may accept the offer before the 30th  
 29 calendar day following the time set forth in subsections (b) and (c) of this section.

30 (e) Until such time as the Commission certifies legitimate need for the residence,  
 31 the holder of the life estate may continue to use it as it existed prior to the transfer of title  
 32 and the creation of the life estate, on a lease arrangement.]

33 [5-207.

34 (a) From among its members the Commission shall elect:

35 (1) A Chairman;

36 (2) A vice-chairman; and

37 (3) Any other officer it requires.

38 (b) The manner of election of officers and their terms of office shall be as the  
 39 Commission determines.]

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1 [5-208.

2 (a) A majority of the voting members then serving on the Commission is a  
3 quorum.

4 (b) The Commission shall meet at least 4 times a year, at the times and places that  
5 it determines.

6 (c) (1) The Commission shall appoint an Executive Director.

7 (2) The Executive Director is entitled to the salary provided in the State  
8 budget.

9 (3) The Executive Director may appoint and remove staff in accordance  
10 with the State Budget.

11 (4) Employees of the Commission are unclassified.

12 (5) The Executive Director shall:

13 (i) Subject to the Commission, direct and administer the activities of  
14 Historic St. Mary's City; and

15 (ii) Act as secretary to the Commission.

16 (6) If approved by the St. Mary's College of Maryland Board of Trustees,  
17 the Executive Director may be granted full faculty status at that institution with all the  
18 rights and privileges pertaining to that status.

19 (d) (1) The Commission annually shall prepare a budget request for submission  
20 as part of the Department's budget to provide funds to perform its duties under this  
21 subtitle.

22 (2) The Commission may receive and spend any grant or gift budgeted or  
23 provided for it.

24 (3) (i) The Commission is encouraged to make use of its facilities,  
25 equipment, and other resources to provide services that may generate additional income.

26 (ii) 1. All income referred to in subparagraph (i) of this  
27 paragraph and any grants, gifts, legacies, bequests and endowments that are received by  
28 the Commission shall be deposited into a nonlapsing, special fund known as the Historic  
29 St. Mary's City Fund.

30 2. The portion of the Fund representing the income referred to  
31 in subparagraph (i) of this paragraph shall be budgeted for the Commission's general  
32 operating expenses to supplement the appropriation by the State of general funds.

33 3. Unless otherwise specified by the donor, the portion of the  
34 Fund representing grants, gifts, legacies, bequests and endowments shall be budgeted for  
35 the development of programs and facilities at Historic St. Mary's City and may be  
36 available for the Commission's budgeted operating expenses only if necessary to resolve a  
37 shortfall in the amount of funds available for operating purposes.

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1                                   4. The State Treasurer shall hold and the State Comptroller  
2 shall account for the Historic St. Mary's City Fund. The Fund shall be invested and  
3 reinvested. Any investment earnings shall be paid into the Fund.]

4 [5-209.

5                   The Commissioners may request, and upon request shall receive from the Attorney  
6 General of the State of Maryland, all legal counsel and services necessary to carry out the  
7 purposes of the Commission.]

8 [5-210.

9                   The Commission may receive and the State may pay over and transfer to the  
10 Commission, from time to time, moneys or property to carry out the purposes of the  
11 Commission.]

12 [5-211.

13                   The Commission may procure, sell, convey, assign, lease, or otherwise purchase,  
14 transfer, or dispose of any property acquired or held by it and enter into any contracts  
15 incident thereto, including but not limited to the authority to lease properties for  
16 residential or commercial use, for such term and such conditions as the Commission  
17 deems appropriate; except that leases made by the Commission shall be in immediate  
18 furtherance of the purposes of the Commission and not merely for investment purposes;  
19 and except that valuable lands and buildings transferred to the Commission by the State  
20 or purchased by the Commission with funds provided by the State shall not be conveyed  
21 or disposed of without the approval of the Board of Public Works. For the purposes of  
22 this section the term "valuable" shall mean any property or thing in excess of \$5,000.00 in  
23 value.]

24 [5-212.

25                   Notwithstanding the provisions of Part III of Title 4, Subtitle 4 of the State Finance  
26 and Procurement Article, and subject to the availability of funds and in accordance with  
27 other provisions of this subtitle regarding the Historic St. Mary's City Commission, the  
28 Commission, with the concurrence of the Secretary, may enter into agreements with  
29 preservation land trusts, foundations, and other entities for the purpose of acquiring title  
30 to or an interest in property in Historic St. Mary's City that is owned by such an entity or  
31 on which the entity holds an option or a contract to purchase.]

32                   **Article - Education**

33 SUBTITLE 5. HISTORIC ST. MARY'S CITY COMMISSION.

34                   PART I. ESTABLISHMENT OF HISTORIC ST. MARY'S CITY COMMISSION.

35 24-501.

36                   THERE IS A HISTORIC ST. MARY'S CITY COMMISSION.

37 24-502.

38                   (A) THE GENERAL ASSEMBLY MAKES THE FOLLOWING DECLARATIONS AND  
39 FINDINGS:



1 (1) ST. MARY'S CITY IS THE BIRTHPLACE AND FIRST CAPITAL OF  
2 MARYLAND AND OCCUPIES A UNIQUE PLACE IN AMERICAN HISTORY WHICH  
3 DESERVES HONOR AND RESPECT. ST. MARY'S CITY IS THE POINT OF ORIGIN OF  
4 MANY OF THE SEMINAL AND VITAL SOCIAL, POLITICAL, RELIGIOUS AND HUMANE  
5 PRECEPTS OF OUR NATION AS LATER CAME TO BE REFLECTED IN THE UNITED  
6 STATES CONSTITUTION AND BILL OF RIGHTS. ST. MARY'S CITY SHOULD BE  
7 PROTECTED AND DEVELOPED AS A MEMORIAL TO MARYLAND'S HISTORICAL  
8 BEGINNINGS AND HER EXTRAORDINARY CONTRIBUTION TO THE DEVELOPMENT OF  
9 THIS NATION.

10 (2) (I) MANY MARYLAND AND NATIONAL "FIRSTS" OCCURRED AT ST.  
11 MARY'S CITY. ST. MARY'S CITY WAS THE PLACE WHERE:

12 1. THE SEPARATION OF CHURCH AND STATE WAS FIRST  
13 PRACTICED IN THE UNITED STATES STARTING IN 1634;

14 2. MATHIAS DE SOUSA WAS THE FIRST MAN OF AFRICAN  
15 DESCENT TO VOTE IN A LEGISLATURE IN 1645;

16 3. THE FIRST WOMEN'S REQUEST FOR THE RIGHT TO VOTE  
17 WAS VOICED BY MARGARET BRENT IN 1647; AND

18 4. THE FIRST RELIGIOUS TOLERANCE ACT WAS ADOPTED IN  
19 1649.

20 (II) IN ADDITION, HISTORIC ST. MARY'S CITY IS ONE OF THE  
21 OLDEST AND BEST PRESERVED EARLY COLONIAL TOWN SITES REMAINING IN  
22 AMERICA. THE FIRST ROMAN CATHOLIC CHAPEL IN THE ENGLISH COLONIES WAS  
23 ESTABLISHED THERE IN 1635, THE FIRST USE OF TOWN PLANNING CAME IN 1668, AND  
24 THE FIRST PRINTING PRESS IN THE SOUTHERN COLONIES CAME IN 1685.

25 (III) MOREOVER, EVENTS OF TREMENDOUS HISTORICAL  
26 SIGNIFICANCE TO THE DEVELOPMENT OF THE STATE OF MARYLAND OCCURRED AT  
27 ST. MARY'S CITY, INCLUDING THE FIRST STATE HOUSE OF MARYLAND IN 1634, THE  
28 FIRST MARYLAND INDUSTRIES, BRICK MAKING AND IRON WORKS, WERE  
29 ESTABLISHED IN THE 1630S, THE FIRST MILL OPERATED IN MARYLAND (1635), THE  
30 FIRST PUBLIC INN OPENED IN MARYLAND (1638), THE FIRST ANGLICAN CHURCH IN  
31 MARYLAND (1643), AND THE FIRST OFFICIAL CITY IN MARYLAND (1668).

32 (3) THERE IS A GREAT NEED TO ENCOURAGE THE STUDY AND  
33 APPRECIATION OF THE SIGNIFICANCE OF ST. MARY'S CITY TO THE HISTORY OF  
34 MARYLAND AND THE NATION. THE GENERAL ASSEMBLY RECOGNIZES THAT THE  
35 ORGANIZATIONAL STRUCTURES AND FUNDING FOR ST. MARY'S CITY HAVE NOT  
36 BEEN ADEQUATE TO PRODUCE THE KNOWLEDGE OF, OR APPRECIATION FOR, ST.  
37 MARY'S CITY THAT IT IS DUE FROM THE CITIZENS OF THIS STATE AS WELL AS OF  
38 THE NATION, AND FINDS AND DECLARES THAT A NEW COURSE OF ACTION IS  
39 NEEDED.

40 (4) THE HISTORIC ST. MARY'S CITY COMMISSION NEEDS THE STATE TO  
41 PROVIDE BASIC OPERATIONAL FUNDING AND ORGANIZATIONAL FLEXIBILITY TO  
42 SUCCESSFULLY OPERATE HISTORIC ST. MARY'S CITY ALONG WITH AN INCREASED  
43 EMPHASIS ON SOLICITING OTHER PUBLIC AND PRIVATE FUNDS TO PROVIDE

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1 SUPPORT FOR EDUCATIONAL INITIATIVES, RESEARCH, STUDY, AND CURATION, AS  
2 WELL AS ACCELERATED ARCHAEOLOGICAL PROJECTS AND CAPITAL  
3 IMPROVEMENTS.

4 (5) EVERY MARYLAND SCHOOL CHILD SHOULD BE KNOWLEDGEABLE  
5 AS TO THE HISTORY OF ST. MARY'S CITY AND ITS SIGNIFICANCE NOT ONLY TO THIS  
6 STATE BUT TO THE DEVELOPMENT OF THE NATION. AS RESOURCES BECOME  
7 AVAILABLE, EDUCATIONAL OPPORTUNITIES SHOULD BE EXPANDED TO  
8 SECONDARY AND COLLEGE AGE STUDENTS AS WELL AS ADULTS PURSUING  
9 CONTINUING EDUCATIONAL OPPORTUNITIES.

10 (6) AN AFFILIATION BETWEEN THE COMMISSION AND ST. MARY'S  
11 COLLEGE OF MARYLAND WILL ALLOW THE COMMISSION TO PUT TO FULLER AND  
12 MORE EFFECTIVE USE THE ASSETS THAT THE STATE HAS ACQUIRED, PRESERVED  
13 AND DEVELOPED AT HISTORIC ST. MARY'S CITY OVER THE LAST 30 YEARS.

14 (7) THE ESTABLISHMENT OF THE HISTORIC ST. MARY'S CITY  
15 COMMISSION AS A PUBLIC CORPORATION AND PROVISION OF BASIC OPERATING  
16 FUNDS BY THE STATE IS IN THE PUBLIC INTEREST AND WILL FACILITATE THE  
17 MANAGEMENT, OPERATION, AND DEVELOPMENT OF THIS NATIONALLY IMPORTANT  
18 HISTORIC SITE.

19 (8) HISTORIC ST. MARY'S CITY WILL BENEFIT FROM A CREATIVE  
20 AFFILIATION AND MORE FORMAL COLLABORATION WITH ITS GEOGRAPHIC  
21 NEIGHBOR, ST. MARY'S COLLEGE OF MARYLAND, ITSELF DESIGNATED IN 1840 AS A  
22 LIVING MONUMENT TO THE LEGACY OF MARYLAND'S FIRST COLONIAL CAPITAL.

23 (9) BOTH THE COMMISSION AND THE COLLEGE ARE COMMITTED TO  
24 PRESERVING THE SITE OF MARYLAND'S FIRST COLONIAL CAPITAL AND ITS  
25 ARCHAEOLOGICAL TREASURES WHILE CONTINUING TO ASSURE THAT THE  
26 GENERAL PUBLIC AND MARYLAND SCHOOL CHILDREN IN PARTICULAR HAVE  
27 CONTINUED OPPORTUNITIES TO VISIT AND EXPERIENCE THIS IMPORTANT 17TH  
28 CENTURY HISTORICAL SITE.

29 (B) THE GENERAL ASSEMBLY FURTHER STATES ITS LEGISLATIVE INTENT IN  
30 THE ENACTMENT OF THIS SUBTITLE TO BE AS FOLLOWS:

31 (1) TO FACILITATE THE EFFICIENT AND EFFECTIVE OPERATION OF  
32 HISTORIC ST. MARY'S CITY AND THE STATE'S HISTORICAL MUSEUM AND  
33 ARCHAEOLOGICAL PARK AT MARYLAND'S FIRST CAPITAL, AS WELL AS ENHANCE  
34 THE CAPACITY AND AUTHORITY OF THE COMMISSION TO PRESERVE, PROTECT, AND  
35 APPROPRIATELY USE THE HISTORIC AND ARCHAEOLOGICAL ASSETS OF HISTORIC  
36 ST. MARY'S CITY;

37 (2) TO EQUIP THE HISTORIC ST. MARY'S CITY COMMISSION WITH THE  
38 NECESSARY AND VITAL MANAGERIAL DISCRETION TO PURSUE ITS PURPOSE  
39 EFFECTIVELY, WITH THE UNDERSTANDING THAT THE COMMISSION WILL  
40 CONTRACT, AS IT CONSIDERS USEFUL AND APPROPRIATE BOTH FISCALLY AND  
41 MANAGERIALLY, WITH ST. MARY'S COLLEGE OF MARYLAND, OR OTHER ENTITIES  
42 AS MAY BE PRACTICAL AND APPROPRIATE, FOR SERVICES SUCH AS PROCUREMENT,  
43 PERSONNEL, AND ACCOUNTING, AND OTHERWISE COLLABORATE FORMALLY AND

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1 INFORMALLY WITH ST. MARY'S COLLEGE, ON THE USE AND EXCHANGE OF  
2 EXPERTISE AND RESOURCES, BOTH MANAGERIAL AND EDUCATIONAL, AS BOTH  
3 ENTITIES MAY DETERMINE IS PRUDENT AND EFFECTIVE, IN ADVANCING THE BASIC  
4 MISSION OF EACH INSTITUTION;

5 (3) TO GRANT THE COMMISSION CORPORATE AUTHORITY OVER ITS  
6 PLANS, PROJECTS, AND OPERATIONS, SUBJECT TO ANNUAL REPORTING TO THE  
7 GENERAL ASSEMBLY AND SUCH OTHER STATE AND FEDERAL LAWS AS ARE NOW IN  
8 EXISTENCE WITH RESPECT TO THE PROTECTION OF HISTORIC AND  
9 ARCHAEOLOGICAL SITES OF SIGNIFICANCE TO THE STATE, INCLUDING ITS STATUS  
10 AS A STATE HISTORIC PROPERTY AND NATIONAL HISTORIC LANDMARK;

11 (4) TO ASSURE THAT HISTORIC ST. MARY'S CITY IS SUPPORTED BY  
12 OTHER EXECUTIVE DEPARTMENTS, INCLUDING THE MARYLAND HISTORICAL  
13 TRUST IN THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, THE  
14 MUSEUM SERVICES PROGRAM LOCATED AT JEFFERSON PATTERSON PARK MUSEUM,  
15 THE FINANCIAL ASSISTANCE PROGRAMS AND OFFICE OF TOURISM IN THE  
16 DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, AND THE  
17 DEPARTMENT OF EDUCATION, AND SUCH AGENCIES ARE HEREBY DIRECTED TO  
18 PROVIDE, WITHIN APPROPRIATED RESOURCES, SUCH FUNDS, ADVICE, AND  
19 SERVICES AS WOULD ASSIST IN THE FULL FLOWERING OF HISTORIC ST. MARY'S  
20 CITY;

21 (5) TO PROVIDE THE HISTORIC ST. MARY'S CITY COMMISSION WITH THE  
22 ORGANIZATIONAL STRUCTURE AND BASIC FUNDING MECHANISMS NECESSARY TO  
23 MORE EFFECTIVE FUNCTIONING, AND RECOGNIZE THE OUTDOOR HISTORY  
24 MUSEUM AND ARCHAEOLOGICAL PARK LOCATED ON THE SITE OF MARYLAND'S  
25 FIRST CAPITAL, AS AN EDUCATIONAL FACILITY FOR STUDENTS AND VISITORS OF  
26 ALL AGES; AND

27 (6) TO ENDORSE THE COMMISSION'S FOCUS ON DEVELOPING THE  
28 EDUCATIONAL POTENTIAL OF HISTORIC ST. MARY'S CITY, INCLUDING A CLOSER  
29 AFFILIATION WITH ST. MARY'S COLLEGE OF MARYLAND, AS THE MOST EFFECTIVE  
30 WAY TO ASSURE THAT THIS UNIQUE SITE WITH ITS ARCHAEOLOGICAL RICHES AND  
31 IMPORTANCE TO THE HISTORY OF MARYLAND AND THE NATION IS RECOGNIZED  
32 AND SUPPORTED BOTH PRIVATELY AND PUBLICLY AS MARYLAND'S MOST  
33 IMPORTANT HISTORIC SITE, WITH A VIEW TO ATTAINING NATIONAL RECOGNITION  
34 FOR ST. MARY'S CITY AS A SITE OF EMINENT NATIONAL HISTORICAL SIGNIFICANCE.

35 24-503.

36 (A) THE MISSION OF THE HISTORIC ST. MARY'S CITY COMMISSION IS TO  
37 PRESERVE AND PROTECT THE ARCHAEOLOGICAL AND HISTORICAL RECORD OF  
38 MARYLAND'S FIRST COLONIAL CAPITAL AND TO APPROPRIATELY DEVELOP AND  
39 USE THIS HISTORIC AND SCENIC SITE FOR THE EDUCATION, ENJOYMENT, AND  
40 GENERAL BENEFIT OF THE PUBLIC.

41 (B) THE PARTICULAR PURPOSES OF THE ST. MARY'S CITY COMMISSION ARE  
42 TO:

12

1 (1) DISCOVER, CONSERVE, IMPROVE, AND PERPETUATE THE  
2 ARCHAEOLOGICAL, HISTORIC, NATURAL, SCENIC, AND CULTURAL QUALITIES OF  
3 HISTORIC ST. MARY'S CITY;

4 (2) IDENTIFY, DOCUMENT, STUDY, CURATE, INTERPRET, AND  
5 APPROPRIATELY PRESERVE THE ARCHAEOLOGICAL RECORD OF HISTORIC ST.  
6 MARY'S CITY WITH EMPHASIS ON THE 17TH CENTURY;

7 (3) ENHANCE, WHERE FEASIBLE, THE SCENIC QUALITY, OPEN SPACES,  
8 AND BUILDINGS THAT REFLECT AND DISPLAY THE EARLY COLONIAL HISTORIC  
9 CHARACTERISTICS OF THE SITE;

10 (4) EMPLOY THE SITE OF MARYLAND'S FIRST COLONIAL CAPITAL FOR  
11 EDUCATION AT EVERY LEVEL, INCLUDING ITS ANTHROPOLOGY, ARCHAEOLOGY,  
12 HISTORY, AND NATURAL SCIENCE; AND

13 (5) ENCOURAGE AND MOTIVATE THE CITIZENS OF MARYLAND AND  
14 THE NATION, AS WELL AS BUSINESSES, CHARITABLE, CULTURAL, AND  
15 EDUCATIONAL INSTITUTIONS TO MAKE A CONTINUING COMMITMENT TO  
16 ARCHAEOLOGICAL AND HISTORIC INVESTIGATION AND RESEARCH AT HISTORIC ST.  
17 MARY'S CITY AND THE DEVELOPMENT OF THE SITE AS AN EDUCATIONAL CENTER  
18 FOR STUDENTS OF ALL AGES.

19 24-504.

20 (A) (1) THERE IS A BODY CORPORATE AND POLITIC KNOWN AS THE  
21 HISTORIC ST. MARY'S CITY COMMISSION.

22 (2) THE COMMISSION IS AN INSTRUMENTALITY OF THE STATE AND A  
23 PUBLIC CORPORATION BY THAT NAME, STYLE, AND TITLE, OR SUCH OTHER NAME,  
24 STYLE, OR TITLE AS THE COMMISSION MAY ADOPT, PROVIDED THE RESOLUTION  
25 ADOPTING ANY SUCH CHANGE IN NAME, TITLE, OR STYLE IS FILED PROMPTLY WITH  
26 THE SECRETARY OF STATE.

27 (3) THE EXERCISE BY THE COMMISSION OF THE POWERS CONFERRED  
28 BY THIS SUBTITLE IS THE PERFORMANCE OF AN ESSENTIAL PUBLIC FUNCTION.

29 (4) THE COMMISSION SHALL HAVE PERPETUAL EXISTENCE SUBJECT TO  
30 MODIFICATION OR TERMINATION BY THE GENERAL ASSEMBLY IF NECESSARY TO  
31 EFFECTUATE ITS PURPOSES OR WHEN AND IF ITS SUBSTANTIAL PURPOSE CEASES.

32 (B) THE COMMISSION MAY:

33 (1) MAKE CONTRACTS OR OTHER LEGAL AGREEMENTS OR  
34 ARRANGEMENTS NECESSARY OR INCIDENTAL TO THE EXERCISE OF ITS POWERS  
35 AND PERFORMANCE OF ITS DUTIES;

36 (2) SUE AND BE SUED;

37 (3) IMPEAD AND BE IMPEADED;

38 (4) COMPLAIN AND DEFEND IN ALL COURTS OF LAW AND EQUITY;

39 (5) ADOPT AND ALTER AN OFFICIAL SEAL;

13

1 (6) ADOPT BYLAWS, RULES AND GUIDELINES TO REGULATE ITS  
2 AFFAIRS AND THE CONDUCT OF ITS BUSINESS; AND

3 (7) EXERCISE ANY OTHER CORPORATE POWER GRANTED MARYLAND  
4 CORPORATIONS UNDER THE MARYLAND GENERAL CORPORATE LAW GENERALLY  
5 TO THE EXTENT SUCH POWER OR ACT IS NECESSARY OR CONVENIENT TO CARRY  
6 OUT THE PURPOSES OF THIS SUBTITLE.

7 24-505.

8 (A) THE HISTORIC ST. MARY'S CITY COMMISSION CONSISTS OF SEVENTEEN  
9 MEMBERS.

10 (B) OF THE COMMISSION MEMBERS:

11 (1) THIRTEEN SHALL BE APPOINTED BY THE GOVERNOR WITH THE  
12 ADVICE AND CONSENT OF THE SENATE AS FOLLOWS:

13 (I) THREE SHALL BE DISTINGUISHED SCHOLARS, ONE OF WHOM  
14 SHALL BE AN ARCHAEOLOGIST, ONE OF WHOM SHALL BE A COLONIAL HISTORIAN,  
15 AND ONE OF WHOM SHALL BE AN EDUCATOR;

16 (II) ONE SHALL BE A REPRESENTATIVE FROM A PROMINENT  
17 HISTORICAL MUSEUM;

18 (III) THREE SHALL BE MEMBERS OF THE MARYLAND BUSINESS  
19 COMMUNITY, ONE OF WHOM IS IN BUSINESS IN THE ST. MARY'S COUNTY  
20 COMMUNITY;

21 (IV) SIX SHALL BE MEMBERS OF THE GENERAL PUBLIC, AT LEAST  
22 TWO OF WHOM ARE RESIDENTS OF THE ST. MARY'S COUNTY COMMUNITY;

23 (2) TWO SHALL BE EX OFFICIO VOTING MEMBERS AS FOLLOWS:

24 (I) THE CHAIRMAN OF THE ST. MARY'S COLLEGE OF MARYLAND  
25 BOARD OF TRUSTEES OR THE CHAIRMAN'S DESIGNEE; AND

26 (II) THE PRESIDENT OF THE HISTORIC ST. MARY'S FOUNDATION;  
27 AND

28 (3) TWO SHALL BE EX OFFICIO NONVOTING MEMBERS AS FOLLOWS:

29 (I) THE PRESIDENT OF THE SENATE OF MARYLAND OR THE  
30 PRESIDENT'S DESIGNEE; AND

31 (II) THE SPEAKER OF THE HOUSE OF DELEGATES OR THE  
32 SPEAKER'S DESIGNEE.

33 (C) THE GOVERNOR SHALL CONSIDER STATEWIDE, REGIONAL, AND  
34 MINORITY REPRESENTATION IN MAKING APPOINTMENTS TO THE COMMISSION.

35 (D) (1) THE TERM OF A MEMBER OF THE COMMISSION, EXCLUDING AN EX  
36 OFFICIO MEMBER, IS 4 YEARS AND UNTIL A SUCCESSOR IS APPOINTED AND  
37 QUALIFIES. THESE TERMS ARE STAGGERED AS REQUIRED BY THE TERMS OF  
38 MEMBERS AS OF JULY 1, 1997.

14

1 (2) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED  
2 TERM SERVES ONLY FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR  
3 IS APPOINTED AND QUALIFIES.

4 (3) A MEMBER MAY BE APPOINTED TO NO MORE THAN TWO FULL  
5 CONSECUTIVE TERMS. A MEMBER WHO HAS SERVED LESS THAN A FULL 4-YEAR  
6 TERM MAY BE REAPPOINTED TO TWO FULL TERMS.

7 24-506.

8 (A) (1) FROM AMONG ITS MEMBERS THE COMMISSION SHALL ELECT:

9 (I) A CHAIRMAN;

10 (II) A VICE-CHAIRMAN; AND

11 (III) ANY OTHER OFFICER THE COMMISSION REQUIRES.

12 (2) THE MANNER OF ELECTION OF OFFICERS AND THEIR TERMS OF  
13 OFFICE SHALL BE AS THE COMMISSION DETERMINES.

14 (B) (1) THE COMMISSION SHALL ADOPT BYLAWS SETTING FORTH THE  
15 MANNER IN WHICH IT WILL CONDUCT ITS BUSINESS AND OTHERWISE CARRY OUT  
16 THE DUTIES ASSIGNED TO IT, INCLUDING THE ESTABLISHMENT OF STANDING  
17 COMMITTEES TO PROPOSE POLICIES, REVIEW OPERATIONS, AND ADVISE THE  
18 COMMISSION IN THE AREAS OF:

19 (I) LAND USE, ARCHAEOLOGY, HISTORICAL RESEARCH,  
20 COLLECTIONS MANAGEMENT, AND CAPITAL PROJECTS;

21 (II) EDUCATIONAL PROGRAMMING, PUBLIC PROGRAMS, AND  
22 PUBLIC AFFAIRS WITH A VIEW TO EXPANDING THE KNOWLEDGE OF AND  
23 APPRECIATION FOR HISTORIC ST. MARY'S CITY TO THE REGION, STATE, AND  
24 NATION;

25 (III) LONG-RANGE PLANNING, FUND-RAISING, FROM BOTH PUBLIC  
26 AND PRIVATE SOURCES, AS WELL AS OTHER REVENUE RAISING PROGRAMS WITH A  
27 VIEW TO SECURING LONG-TERM FINANCIAL CAPITAL AND OPERATING SUPPORT  
28 FOR HISTORIC ST. MARY'S CITY; AND

29 (IV) FINANCIAL AND ADMINISTRATIVE AFFAIRS, INCLUDING  
30 PROPERTY MANAGEMENT, PERSONNEL, PROCUREMENT, LEGAL, ACCOUNTING,  
31 AUDIT, AND INVESTMENT POLICIES.

32 (2) THE CHAIRMAN OF THE COMMISSION SHALL APPOINT EACH  
33 COMMISSIONER TO ONE OF THE STANDING COMMITTEES AND SUCH OTHER  
34 COMMITTEES AS THE COMMISSION FROM TIME TO TIME DETERMINES TO APPOINT  
35 FOR SPECIAL PURPOSES. THE CHAIRMAN SHALL DESIGNATE A CHAIR OF EACH  
36 COMMITTEE.

37 (C) (1) THERE SHALL BE AN EXECUTIVE COMMITTEE OF THE COMMISSION  
38 WHICH SHALL HAVE AS ITS MEMBERS THE CHAIRMAN, THE VICE-CHAIRMAN, AND  
39 THE CHAIR OF EACH STANDING COMMITTEE.

15

1 (2) THE EXECUTIVE COMMITTEE SHALL BE DELEGATED SUCH POWERS  
2 AS THE COMMISSION SHALL DETERMINE BY RESOLUTION OR BY LAW AND SHALL  
3 REPORT TO THE FULL COMMISSION ALL ACTIONS TAKEN OR CONSIDERED BY THE  
4 COMMITTEE AT THE NEXT MEETING OF THE FULL COMMISSION.

5 (D) (1) THE FULL COMMISSION SHALL MEET AT LEAST TWO TIMES A YEAR  
6 AT HISTORIC ST. MARY'S CITY. THE EXECUTIVE COMMITTEE SHALL MEET AT LEAST  
7 FOUR TIMES A YEAR, OR SUCH ADDITIONAL MEETINGS AS ARE NECESSARY OR  
8 CONVENIENT FOR THE PROPER DIRECTION OF HISTORIC ST. MARY'S CITY.  
9 STANDING COMMITTEES SHALL MEET OR CONFER AS NECESSARY TO REVIEW AND  
10 RECOMMEND ACTION TO THE EXECUTIVE COMMITTEE OR FULL COMMISSION, AS  
11 THE CASE MAY BE, AS ISSUES WITHIN THEIR PURVIEW ARISE.

12 (2) A MAJORITY OF THE VOTING MEMBERS THEN SERVING ON THE  
13 COMMISSION IS A QUORUM.

14 (E) A COMMISSIONER MAY NOT RECEIVE COMPENSATION, BUT IS ENTITLED  
15 TO BE REIMBURSED FOR EXPENSES INCURRED WHILE ACTUALLY ENGAGED IN THE  
16 PERFORMANCE OF THE COMMISSIONER'S DUTIES IN ACCORDANCE WITH THE  
17 STANDARD STATE TRAVEL REGULATIONS.

18 PART II. POWERS AND DUTIES OF THE COMMISSION.

19 24-507.

20 (A) SUBJECT TO THE PROVISIONS OF § 24-514 OF THIS SUBTITLE, AND IN  
21 ADDITION TO ANY POWERS PROVIDED ELSEWHERE IN THIS SUBTITLE, THE  
22 COMMISSION HAS THE FOLLOWING POWERS:

23 (1) TO ACQUIRE AND HOLD REAL AND PERSONAL PROPERTY OF  
24 HISTORIC, AESTHETIC, OR CULTURAL SIGNIFICANCE, BY GIFT, PURCHASE, DEVISE  
25 OR BEQUEST INCLUDING THE POWER TO ACQUIRE OTHER PROPERTY IN THE  
26 VICINITY OF SIGNIFICANT PROPERTY IF THE COMMISSION CONSIDERS IT  
27 NECESSARY FOR THE PROPER USE AND ADMINISTRATION OF HISTORIC ST. MARY'S  
28 CITY AND ITS ENVIRONS, TO PRESERVE AND ADMINISTER THOSE PROPERTIES, AND  
29 TO CHARGE REASONABLE ADMISSION FEES FOR ENTRY TO THOSE PROPERTIES;

30 (2) TO PRESERVE, STUDY, CURATE, DEVELOP, AND INTERPRET  
31 HISTORIC, OR CULTURAL PROPERTIES, BUILDINGS, FIXTURES, FURNISHINGS,  
32 FACILITIES, COLLECTIONS, AND APPURTENANCES PERTAINING IN ANY WAY TO  
33 HISTORIC ST. MARY'S CITY AND ITS ENVIRONS, INCLUDING THE REPLICAS OF THE  
34 STATE HOUSE AND OTHER RECONSTRUCTIONS IN ST. MARY'S CITY;

35 (3) TO ACCEPT GIFTS, GRANTS, LEGACIES, BEQUESTS, AND  
36 ENDOWMENTS FOR ANY PURPOSE WHICH FALLS WITHIN THAT OF THE COMMISSION  
37 AND, UNLESS OTHERWISE SPECIFIED BY THE PERSON MAKING THE GIFT, GRANT,  
38 LEGACY, BEQUEST, OR ENDOWMENT, THE COMMISSION MAY EXPEND BOTH  
39 PRINCIPAL AND INCOME OF THE GIFT, GRANT, BEQUEST, LEGACY, OR ENDOWMENT  
40 TO FURTHER THE PURPOSES OF THE COMMISSION;

16

1 (4) TO ACCEPT GOVERNMENTAL GRANTS FROM FEDERAL, STATE AND  
2 LOCAL GOVERNMENTS AND INSTRUMENTALITIES;

3 (5) TO APPLY ALL MONEYS, ASSETS, PROPERTY, OR OTHER THINGS OF  
4 VALUE IT MAY RECEIVE AS AN INCIDENT TO ITS OPERATION TO THE GENERAL  
5 PURPOSES OF THE COMMISSION;

6 (6) TO COOPERATE WITH AND ASSIST, INsofar AS PRACTICABLE, OR  
7 ENTER INTO A CONTRACTUAL RELATIONSHIP WITH ANY AGENCY OF THE STATE OR  
8 ANY AGENCY OF THE POLITICAL SUBDIVISIONS OF THE STATE OR ANY PRIVATE  
9 AGENCY OR PERSON, IN FURTHERANCE OF THE PURPOSES OF THE COMMISSION;

10 (7) TO FIX, REVISE FROM TIME TO TIME, AND COLLECT RATES, RENTS,  
11 FEES OR OTHER CHARGES FOR THE USE OF FACILITIES OR FOR SERVICES  
12 RENDERED IN CONNECTION WITH THE FACILITIES AT HISTORIC ST. MARY'S CITY;

13 (8) TO BORROW FOR SUCH PURPOSES AND ON SUCH TERMS AS THE  
14 COMMISSION MAY DETERMINE IS NECESSARY, PRUDENT, OR PRACTICAL AND, AT  
15 THE DISCRETION OF THE COMMISSION, TO SECURE ANY SUCH LOAN WITH  
16 PROPERTY HELD IN THE NAME OF THE COMMISSION OR FOR THE BENEFIT OF THE  
17 COMMISSION, OR FROM REVENUES DERIVED FROM SUCH PROPERTY; HOWEVER,  
18 ANY SUCH LOAN UNDER THIS PARAGRAPH DOES NOT CONSTITUTE A DEBT OR  
19 OBLIGATION OF THE STATE OR ANY UNIT OF THE STATE OTHER THAN THE PUBLIC  
20 CORPORATION WHICH IS THE COMMISSION OR CREATE OR CONSTITUTE A DEBT OR  
21 OBLIGATION CONTRACTED BY THE GENERAL ASSEMBLY OR PLEDGE THE FAITH  
22 AND CREDIT OF THE STATE;

23 (9) TO ISSUE REVENUE BONDS SUBJECT TO THE PROVISIONS OF PART IV  
24 OF THIS SUBTITLE;

25 (10) TO REGULATE THE USE AND OPERATION OF THE FACILITIES AT  
26 HISTORIC ST. MARY'S CITY;

27 (11) TO ADOPT BYLAWS THAT ARE NECESSARY AND PROPER AND NOT  
28 INCONSISTENT WITH THIS SUBTITLE FOR THE MANAGEMENT, MAINTENANCE AND  
29 OPERATION OF HISTORIC ST. MARY'S CITY AND TO EFFECTUATE THE PURPOSES OF  
30 THE COMMISSION; AND

31 (12) TO DELEGATE ANY OF THE POWERS HEREIN CONFERRED OF A  
32 NONPOLICY NATURE TO ANY ONE OR MORE OF THE COMMISSIONERS OR TO THE  
33 EXECUTIVE DIRECTOR OF THE COMMISSION.

34 (B) IN ADDITION TO ANY DUTIES PROVIDED ELSEWHERE IN THIS SUBTITLE,  
35 THE COMMISSION HAS THE FOLLOWING DUTIES:

36 (1) TO MAINTAIN AND CARRY OUT THE MISSION OF HISTORIC ST.  
37 MARY'S CITY;

38 (2) TO PROTECT AND PRESERVE THE HISTORICAL AND  
39 ARCHAEOLOGICAL RESOURCES FOUND WITHIN THE BOUNDARIES OF HISTORIC ST.  
40 MARY'S CITY;



17

1 (3) TO IDENTIFY, STUDY, CURATE, INTERPRET, AND DEVELOP THE  
2 SIGNIFICANT HISTORIC AND ARCHAEOLOGICAL RESOURCES OF HISTORIC ST.  
3 MARY'S CITY WITH EMPHASIS ON THE 17TH CENTURY COLONIAL PERIOD;

4 (4) TO ENHANCE THE ROLE OF HISTORIC ST. MARY'S CITY AS A  
5 STATEWIDE EDUCATIONAL CENTER FOR HISTORICAL ARCHAEOLOGY AND  
6 MARYLAND COLONIAL HISTORY AND ULTIMATELY TO RAISE NATIONAL  
7 AWARENESS OF THE PLACE OF ST. MARY'S CITY, ITS HISTORY, PEOPLE, AND IDEAS  
8 IN OUR NATION'S DEVELOPMENT;

9 (5) TO DEVELOP CLOSE WORKING RELATIONSHIPS WITH PUBLIC AND  
10 PRIVATE ELEMENTARY AND SECONDARY SCHOOLS, LOCAL AND STATEWIDE  
11 BUSINESSES AND GOVERNMENTAL AGENCIES, AND CONDUCT ACTIVITIES TO  
12 EDUCATE THE GENERAL PUBLIC ABOUT THE HISTORY AND SIGNIFICANCE OF  
13 HISTORIC ST. MARY'S CITY TO THE STATE OF MARYLAND AND THE NATION;

14 (6) TO SEEK PRIVATE AND OTHER PUBLIC GRANTS, GIFTS, BEQUESTS,  
15 ENDOWMENTS, AND LEGACIES FOR THE DEVELOPMENT AND USE OF HISTORIC ST.  
16 MARY'S CITY;

17 (7) TO REVIEW AND COMMENT ON ALL PLANS FOR USE AND  
18 DEVELOPMENT OF THE ARCHAEOLOGICALLY OR HISTORICALLY SIGNIFICANT  
19 LAND AND REAL PROPERTY OF ST. MARY'S COLLEGE OF MARYLAND DURING THE  
20 INITIAL PLANNING STAGE, TO CONDUCT SUCH REVIEW AT A SPECIAL OR REGULAR  
21 MEETING OF THE COMMISSION AFTER PUBLIC NOTICE OF THE GENERAL NATURE  
22 OF THE PLANS TO BE REVIEWED BY THE COMMISSION, AND THEREAFTER TO  
23 FORWARD ALL SUCH COMMENTS COINCIDENT WITH ANY SUBMISSION MADE BY THE  
24 COLLEGE PURSUANT TO § 3-602 OF THE STATE FINANCE AND PROCUREMENT  
25 ARTICLE;

26 (8) TO PREPARE AN OVERALL STRATEGIC PLAN AT LEAST ONCE EVERY  
27 5 YEARS THAT ESTABLISHES BOTH SHORT-RANGE AND LONG-RANGE GOALS,  
28 OBJECTIVES, AND PRIORITIES FOR HISTORIC ST. MARY'S CITY IN SUPPORT OF ITS  
29 MISSION; AND

30 (9) TO REPORT ANNUALLY TO THE GOVERNOR, AND SUBJECT TO §  
31 2-1312 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY AS TO  
32 THE COMMISSION'S ACTIVITIES DURING THE PRECEDING YEAR, INCLUDING  
33 SPECIFICALLY:

34 (I) THE NUMBER OF STUDENTS SERVED AS WELL AS THE TYPE  
35 AND NUMBERS OF ALL OTHER VISITORS;

36 (II) THE NUMBER OF VOLUNTEERS AND TOTAL HOURS  
37 CONTRIBUTED TO THE OPERATION OF THE MUSEUM;

38 (III) THE AMOUNT AND TYPES OF PRIVATE AND NONSTATE FUNDS  
39 DONATED, PLEDGED, OR OTHERWISE PROVIDED; AND

40 (IV) ANY RECOMMENDATIONS OR REQUESTS THE COMMISSION  
41 CONSIDERS APPROPRIATE TO FURTHER THE MISSION OF HISTORIC ST. MARY'S CITY.

18

1 24-508.

2 (A) THE HISTORIC ST. MARY'S CITY COMMISSION AND THE BOARD OF  
3 TRUSTEES OF ST. MARY'S COLLEGE OF MARYLAND ARE HEREBY AUTHORIZED TO  
4 UNDERTAKE JOINT PROGRAMS AND OTHERWISE TO WORK COLLABORATIVELY  
5 UNDER CONTRACT OR OTHER AGREEMENT ACCEPTABLE TO THE GOVERNING  
6 BOARDS OF EACH INSTITUTION, FOR THE PURPOSE OF FURTHERING THE MISSIONS  
7 OF BOTH INSTITUTIONS.

8 (B) THE COMMISSION AND THE COLLEGE MAY CONTRACT OR OTHERWISE  
9 AGREE TO WORK JOINTLY TO SPONSOR HIGH QUALITY EDUCATION PROGRAMS  
10 AND ACTIVITIES FOR BOTH THE ACADEMIC AND GENERAL COMMUNITIES AND FOR  
11 ALL AGE GROUPS, INCLUDING ELEMENTARY, SECONDARY, COLLEGE, AND ADULT  
12 EDUCATION PROGRAMS AS WELL AS TEACHER TRAINING PROGRAMS IN  
13 CURRICULUM AREAS OF JOINT FOCUS, SUCH AS ARCHAEOLOGY, COLONIAL  
14 AMERICAN HISTORY, AND CHESAPEAKE CULTURE AND ECOLOGY.

15 (C) THE COMMISSION AND COLLEGE MAY DEVELOP JOINTLY BENEFICIAL,  
16 PROMOTIONAL, MARKETING, FUNDRAISING, TOURISM, SPECIAL EVENTS, AND  
17 OTHER OUTREACH EFFORTS.

18 (D) THE COLLEGE AND COMMISSION MAY BY CONTRACT OR MUTUAL  
19 AGREEMENT PERFORM ADMINISTRATIVE TASKS BY ONE INSTITUTION FOR THE  
20 OTHER INCLUDING, BUT NOT LIMITED TO, PERSONNEL, PROCUREMENT AND  
21 INSURANCE CLAIM PROCESSING, PURCHASING, ACCOUNTING, INFORMATION  
22 SYSTEM DESIGN, ACQUISITION, INSTALLATION AND SERVICE, SECURITY,  
23 MAINTENANCE, HISTORIC LANDSCAPE DESIGN, CATERING AND GENERAL FOOD  
24 SERVICES, AND ARCHAEOLOGICAL SURVEY AND MITIGATION SERVICES.

25 (E) PROVIDED THEY ARE SUPPORTIVE OF THE DISTINCTIVE MISSION OF  
26 EACH INSTITUTION, THE COMMISSION AND COLLEGE MAY UNDERTAKE ANY OTHER  
27 JOINT ACTIVITY OR ACTION BY FORMAL OR INFORMAL AGREEMENT OR CONTRACT.

28 (F) NOTWITHSTANDING ANY JOINT ACTIVITIES OR PROGRAMS CARRIED OUT  
29 BY THE COLLEGE AND THE COMMISSION, OR ADMINISTRATIVE ACTION  
30 UNDERTAKEN BY THE COLLEGE OR THE COMMISSION FOR THE BENEFIT OF THE  
31 OTHER INSTITUTION, NEITHER THE COLLEGE NOR THE COMMISSION SHALL BE  
32 LIABLE FOR ANY DIRECT OR INDIRECT ACTIONS OF THE OTHER INSTITUTION, OR  
33 ITS TRUSTEES, COMMISSIONERS, EMPLOYEES, OR AGENTS AS THE CASE MAY BE.

34 24-509.

35 (A) THE COMMISSION MAY OBTAIN AND CARRY COMPREHENSIVE LIABILITY  
36 INSURANCE TO PROTECT THE COMMISSION, ITS EMPLOYEES, AND AGENTS. THE  
37 DETERMINATION WHETHER TO PURCHASE INSURANCE, AND ITS SCOPE AND  
38 LIMITATIONS, SHALL BE WITHIN THE COMMISSION'S DISCRETION, TAKING INTO  
39 ACCOUNT COMMERCIAL AVAILABILITY AND AFFORDABILITY AND THE EXISTENCE  
40 AND EXTENT OF INSURANCE SECURED BY THE STATE TREASURER.

41 (B) (1) TITLE 12, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE  
42 (MARYLAND TORT CLAIMS ACT) APPLIES TO CLAIMS OR ACTIONS AGAINST THE  
43 COMMISSION, ITS MEMBERS, AGENTS, AND EMPLOYEES.

19

1 (2) SUBJECT TO ALL EXCLUSIONS AND LIMITATIONS IN TITLE 12,  
2 SUBTITLE 1, THE IMMUNITY OF THE COMMISSION IS WAIVED TO THE EXTENT OF  
3 ANY INSURANCE COVERAGE, IF ANY, PURCHASED UNDER THIS SECTION.

4 (C) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO WAIVE OR  
5 ABROGATE SOVEREIGN IMMUNITY WITH RESPECT TO ANY CLAIM THAT IS NOT  
6 COVERED BY OR EXCEEDS THE LIMITS OF AN INSURANCE POLICY.

7 (D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO WAIVE OR  
8 ABROGATE THE IMMUNITY OF THE COMMISSION UNDER THE ELEVENTH  
9 AMENDMENT TO THE UNITED STATES CONSTITUTION.

10 24-510.

11 (A) (1) THE COMMISSION SHALL APPOINT AN EXECUTIVE DIRECTOR AND  
12 SUCH ADDITIONAL PROFESSIONAL, ADMINISTRATIVE, AND CLERICAL PERSONNEL  
13 AS IT CONSIDERS NECESSARY TO CARRY OUT THE PURPOSES OF THIS SUBTITLE.

14 (2) THE COMMISSION SHALL EMPLOY OR CONTRACT WITH SUCH OTHER  
15 CONSULTANTS, ACCOUNTANTS, ENGINEERS, ARCHITECTS, ATTORNEYS, OR  
16 FINANCIAL ADVISORS AS IT DEEMS PRUDENT TO THE CARRYING OUT OF THE  
17 PURPOSES OF THIS SUBTITLE.

18 (3) THE COMMISSION MAY DELEGATE TO THE EXECUTIVE DIRECTOR  
19 ANY OR ALL OF ITS POWER TO APPOINT AND REMOVE STAFF.

20 (B) THE EXECUTIVE DIRECTOR SHALL:

21 (1) ACT AS THE CHIEF EXECUTIVE OFFICER FOR THE COMMISSION  
22 WITH FULL AUTHORITY TO DIRECT THE ACTIVITIES AND SUPERVISE THE  
23 EMPLOYEES OF HISTORIC ST. MARY'S CITY, IN ACCORDANCE WITH THE POLICIES,  
24 PLANS, AND PROJECTS APPROVED BY THE COMMISSION;

25 (2) REPRESENT THE COMMISSION WITH THE GOVERNOR, THE GENERAL  
26 ASSEMBLY, THE HISTORIC ST. MARY'S FOUNDATION, AND ALL OTHER STATE, LOCAL  
27 AND FEDERAL GOVERNMENTAL AGENCIES AND GENERALLY ACT AS THE CHIEF  
28 SPOKESPERSON FOR ALL PURPOSES, INCLUDING SOLICITATION OF PUBLIC AND  
29 PRIVATE FUNDS FOR THE ADVANCEMENT OF HISTORIC ST. MARY'S CITY;

30 (3) ACT AS SECRETARY TO THE COMMISSION AND PREPARE OR HAVE  
31 PREPARED MINUTES OF EACH ACTION TAKEN BY THE COMMISSION AND THE  
32 EXECUTIVE COMMITTEE; AND

33 (4) PERFORM ANY OTHER DUTY THAT THE COMMISSION REQUIRES  
34 FOR CARRYING OUT THE PROVISIONS OF THIS SUBTITLE.

35 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,  
36 EMPLOYEES OF THE COMMISSION, INCLUDING THE EXECUTIVE DIRECTOR, MAY  
37 ACCEPT, SUBJECT TO THE APPROVAL OF THE COMMISSION, FACULTY STATUS AT ST.  
38 MARY'S COLLEGE OF MARYLAND, INCLUDING REMUNERATED TEACHING OR  
39 OTHER PROFESSIONAL RESPONSIBILITIES.

20

1 (D) THE COMMISSIONERS MAY REQUEST, AND UPON REQUEST SHALL  
2 RECEIVE FROM THE ATTORNEY GENERAL OF THE STATE, LEGAL COUNSEL AND  
3 SERVICES NECESSARY TO CARRY OUT THE PURPOSES OF THE COMMISSION.

4 24-511.

5 (A) (1) THERE IS A HISTORIC ST. MARY'S CITY FUND.

6 (2) THE STATE TREASURER SHALL HOLD THE HISTORIC ST. MARY'S  
7 CITY FUND. THE FUNDS IN THE ACCOUNT SHALL BE INVESTED AND REINVESTED BY  
8 THE TREASURER IN ACCORDANCE WITH THE WRITTEN INVESTMENT POLICIES OF  
9 THE COMMISSION. ANY INVESTMENT EARNINGS ON THE FUNDS IN THE ACCOUNT  
10 SHALL BE PAID INTO THE FUND.

11 (3) ANY UNEXPENDED FUNDS HELD BY THE STATE TREASURER SHALL  
12 NOT REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL  
13 YEAR.

14 (4) ANY AND ALL FUNDS OF HISTORIC ST. MARY'S CITY, ONCE  
15 DEPOSITED IN THE HISTORIC ST. MARY'S CITY FUND FROM WHATEVER SOURCE,  
16 ARE NOT MONEYS OF THE STATE SUBJECT TO APPROPRIATION.

17 (B) (1) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET  
18 SUBMISSION TO THE LEGISLATURE A GENERAL FUND GRANT FOR THE BASIC  
19 OPERATIONS OF THE HISTORIC ST. MARY'S CITY COMMISSION.

20 (2) THE GENERAL FUND OPERATING GRANT SHALL BE DEPOSITED IN  
21 THE HISTORIC ST. MARY'S CITY FUND FOR THE BENEFIT OF HISTORIC ST. MARY'S  
22 CITY.

23 (3) THE STATE SHALL PAY THE GENERAL FUND GRANT UNDER THIS  
24 SUBSECTION ON A QUARTERLY BASIS.

25 (4) NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SUBSECTION,  
26 THIS SUBSECTION MAY NOT BE CONSTRUED TO RESTRICT THE BUDGETARY POWER  
27 OF THE GENERAL ASSEMBLY.

28 (C) (1) THE COMMISSION SHALL SUPPORT ALL OPERATING COSTS OF  
29 HISTORIC ST. MARY'S CITY, INCLUDING PERSONNEL AND RETIREMENT COSTS FROM  
30 THE GENERAL FUND GRANT TO THE COMMISSION AND ANY OTHER REVENUE,  
31 FROM OTHER SOURCES, PUBLIC AND PRIVATE, COMING TO THE HISTORIC ST.  
32 MARY'S CITY COMMISSION.

33 (2) THE COMMISSION IS AUTHORIZED TO MAKE USE OF ITS FACILITIES,  
34 EQUIPMENT, AND OTHER RESOURCES TO PROVIDE SERVICES AND CHARGE  
35 APPROPRIATE FEES THEREFORE TO GENERATE INCOME FOR THE BENEFIT OF  
36 HISTORIC ST. MARY'S CITY.

37 (D) (1) THE COMMISSION ANNUALLY SHALL ADOPT A CAPITAL AND  
38 OPERATING BUDGET FOR THE MAINTENANCE, OPERATION, AND DEVELOPMENT OF  
39 HISTORIC ST. MARY'S CITY.

21

1 (2) THE COMMISSION SHALL SUBMIT THE BUDGET IT HAS ADOPTED  
2 ANNUALLY TO THE DEPARTMENT OF BUDGET AND MANAGEMENT FOR INCLUSION  
3 FOR INFORMATION PURPOSES IN THE STATE BUDGET BOOK. THE BUDGET SHALL  
4 IDENTIFY THE ANTICIPATED SOURCE OF FUNDS, WHETHER OPERATING INCOME,  
5 PRIVATE DONATIONS IN THE FORM OF GRANTS, GIFTS, OR BEQUESTS, OR OTHER  
6 PUBLIC FUNDS, IDENTIFIED AS FEDERAL, STATE, OR LOCAL, AS WELL AS THE  
7 STATE'S GENERAL FUND OPERATING GRANT.

8 (3) ALL GRANT, GIFT, BEQUEST, FEE, AND INVESTMENT FUNDS  
9 RECEIVED BY THE COMMISSION, INCLUDING THE GENERAL FUND OPERATING  
10 GRANT, SHALL BE EXPENDED IN ACCORDANCE WITH THE COMMISSION'S ADOPTED  
11 BUDGET, AS AMENDED FROM TIME TO TIME IN ACCORDANCE WITH THE BYLAWS OF  
12 THE COMMISSION.

13 (4) THE COMMISSION MAY SPEND OR ENCUMBER, WITHIN THE FISCAL  
14 YEAR THEY ARE RECEIVED OR ANY TIME THEREAFTER, ANY INCOME, REVENUES,  
15 OR OTHER FUNDS RECEIVED IN EXCESS OF THOSE ESTIMATED BY THE COMMISSION  
16 IN THE CAPITAL OR OPERATING BUDGET ADOPTED BY THE COMMISSION FOR THAT  
17 FISCAL YEAR. NOTWITHSTANDING ANY OTHER LAW OR REGULATION, THE  
18 COMMISSION MAY RECEIVE AND SPEND WITHOUT FURTHER APPROPRIATION ALL  
19 EARNED INCOME FROM FEES, RENTS, OR OTHER CHARGES, AS WELL AS ANY  
20 GRANTS, GIFTS, ENDOWMENTS, OR LEGACIES AND ALL EARNINGS THEREON.

21 (5) ALL FUNDS RECEIVED, AND ANY INVESTMENT EARNINGS THEREON,  
22 FROM FEES, RENTS, OR OTHER CHARGES, GRANTS, GIFTS, BEQUESTS,  
23 ENDOWMENTS, AND LEGACIES SHALL BE DEPOSITED BY THE COMMISSION IN A  
24 STATE OR FEDERALLY INSURED FINANCIAL INSTITUTION AND THEREAFTER SHALL  
25 BE INVESTED FOR THE BENEFIT OF HISTORIC ST. MARY'S CITY IN ACCORDANCE  
26 WITH THE WRITTEN INVESTMENT POLICIES OF THE COMMISSION AND ANY TERMS  
27 OR CONDITIONS OF A GRANT, GIFT, BEQUEST, ENDOWMENT, OR LEGACY.

28 (E) (1) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS  
29 SUBTITLE, THE COMMISSION SHALL:

30 (I) MAKE PROVISION, EITHER BY STAFF OR CONTRACT, FOR A  
31 SYSTEM OF FINANCIAL ACCOUNTING, CONTROLS, AUDITS AND REPORTS,  
32 CONSISTENT WITH SOUND BUSINESS PRACTICES USING GENERALLY ACCEPTED  
33 ACCOUNTING PRINCIPLES; AND

34 (II) CAUSE AN AUDIT BY AN INDEPENDENT CERTIFIED PUBLIC  
35 ACCOUNTANT TO BE MADE OF THE ACCOUNTS AND TRANSACTIONS OF THE  
36 COMMISSION AT THE CONCLUSION OF EACH FISCAL YEAR.

37 (2) THE BOOKS, RECORDS, ACCOUNTS, AND TRANSACTIONS OF THE  
38 COMMISSION ARE SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS OF  
39 THE DEPARTMENT OF FISCAL SERVICES.

40 24-512.

41 (A) NOTWITHSTANDING THE PROVISIONS OF TITLE 10, SUBTITLE 3 OF THE  
42 STATE FINANCE AND PROCUREMENT ARTICLE, THE COMMISSION MAY SELL,  
43 CONVEY, ASSIGN, LEASE, MORTGAGE, ENCUMBER, OR OTHERWISE TRANSFER OR

22

1 DISPOSE OF ANY REAL PROPERTY ACQUIRED OR HELD BY IT OR HELD BY THE  
2 STATE OR AN AGENCY OF THE STATE FOR THE BENEFIT OF HISTORIC ST. MARY'S  
3 CITY, AND ENTER INTO ANY CONTRACTS INCIDENT THERETO, FOR SUCH TERM AND  
4 SUCH CONDITIONS AS THE COMMISSION DEEMS APPROPRIATE, EXCEPT:

5                   (1) REAL PROPERTY VALUED IN EXCESS OF \$5,000.00 MAY NOT BE SOLD  
6 WITHOUT THE PRIOR APPROVAL OF THE BOARD OF PUBLIC WORKS; AND

7                   (2) LEASES ENTERED INTO BY THE COMMISSION MUST BE MADE IN  
8 FURTHERANCE OF THE PURPOSES OF THE COMMISSION.

9                   (B) (1) EXCEPT AS OTHERWISE SET FORTH IN THIS SUBTITLE, THE  
10 COMMISSION IS EXEMPT FROM THE PROVISIONS OF THE STATE FINANCE AND  
11 PROCUREMENT ARTICLE, DIVISION I OF THE STATE PERSONNEL AND PENSION  
12 ARTICLE, AND THE STATE ADMINISTRATIVE PROCEDURE ACT, AND MAY CARRY  
13 OUT ITS CORPORATE PURPOSES WITHOUT OBTAINING THE PRIOR CONSENT OF ANY  
14 DEPARTMENT, BOARD, OR AGENCY OF THE STATE EXCEPT AS OTHERWISE  
15 EXPRESSLY SET FORTH IN THIS SUBTITLE.

16                   (2) THE COMMISSION IS EXEMPT FROM THE PAYMENT OF TAXES OR  
17 ASSESSMENTS OF ANY KIND.

18                   (3) CAPITAL PROJECTS OF THE COMMISSION ARE SUBJECT TO TITLES 3  
19 AND 4 OF THE STATE FINANCE AND PROCUREMENT ARTICLE TO THE EXTENT OF  
20 ANY APPROPRIATION OF CAPITAL FUNDS BY THE GENERAL ASSEMBLY.

21                   (4) THE COMMISSION AND ITS OFFICERS AND EMPLOYEES ARE SUBJECT  
22 TO THE PUBLIC ETHICS LAW, THE PUBLIC INFORMATION ACT, AND THE OPEN  
23 MEETINGS LAW.

24                   (C) THE COMMISSION SHALL PROCURE NONCAPITAL GOODS AND SERVICES  
25 IN ACCORDANCE WITH THE PROCUREMENT POLICIES AND PROCEDURES  
26 ESTABLISHED BY ST. MARY'S COLLEGE OF MARYLAND PURSUANT TO § 14-405 OF  
27 THIS ARTICLE.

28                   (D) FOR PURPOSES OF APPLYING FOR, RECEIVING, AND ENTERING INTO  
29 AGREEMENTS IN CONNECTION WITH LOANS, GRANTS, INSURANCE, OR OTHER  
30 FORMS OF FINANCIAL ASSISTANCE FROM THE STATE OR ITS AGENCIES OR  
31 INSTRUMENTALITIES, THE HISTORIC ST. MARY'S CITY COMMISSION MAY BE  
32 DEEMED TO BE A:

33                   (1) PUBLIC BODY WITHIN THE MEANING OF THE MARYLAND  
34 INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY ACT;

35                   (2) POLITICAL SUBDIVISION WITHIN THE MEANING OF THE MARYLAND  
36 INDUSTRIAL LAND ACT AND THE MARYLAND INDUSTRIAL AND COMMERCIAL  
37 REDEVELOPMENT FUND ACT; AND

38                   (3) STATE OR LOCAL PROJECT ELIGIBLE UNDER §§ 5-904 AND 5-905 OF  
39 THE NATURAL RESOURCES ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

23

1 (E) ALL GIFTS OF TANGIBLE OR INTANGIBLE PROPERTY AS WELL AS CASH  
2 DONATIONS TO THE COMMISSION ARE CHARITABLE CONTRIBUTIONS ELIGIBLE AS A  
3 DEDUCTION AGAINST INCOME TAXES AS PERMITTED BY STATE AND FEDERAL LAW.

4 PART III. PROPERTY ACQUISITION PROCEDURES.

5 24-513.

6 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
7 INDICATED.

8 (2) "DWELLING" MEANS THE DWELLING HOUSE OF ONE OR MORE  
9 HOMEOWNERS, AND THE CURTILAGE WHERE IT IS ERECTED, WHICH IS USED AS THE  
10 PRINCIPAL RESIDENCE OF THAT HOMEOWNER OR HOMEOWNERS.

11 (3) "HOMEOWNER" MEANS A PERSON WHO, ON JULY 1, 1976, ACTUALLY  
12 RESIDED IN A DWELLING IN WHICH THAT PERSON HAD A LEGAL INTEREST,  
13 INCLUDING ANY LIFE ESTATE, WHETHER AS SOLE OWNER, JOINT TENANT, TENANT  
14 IN COMMON, OR TENANT BY THE ENTIRETY.

15 (4) "PRINCIPAL RESIDENCE" MEANS A DWELLING ACTUALLY OCCUPIED  
16 OR EXPECTED TO BE ACTUALLY OCCUPIED BY THE HOMEOWNER OR THE  
17 HOMEOWNERS FOR MORE THAN 6 CONSECUTIVE MONTHS OF THE PRESENT  
18 CALENDAR YEAR. NONOCCUPANCY OF THE DWELLING BECAUSE OF ILLNESS OR  
19 THE NEED FOR SPECIAL CARE, OF THE HOMEOWNER, IS OCCUPANCY FOR THE  
20 PURPOSES OF THIS SECTION.

21 (B) (1) WHEN THE COMMISSION OR OTHER STATE AGENCY COMMENCES  
22 THE ACQUISITION BY PURCHASE, GIFT, OR CONDEMNATION OF THE DWELLING OF A  
23 HOMEOWNER WITHIN THE PROPOSED BOUNDARIES ESTABLISHED BY THE  
24 COMMISSION, THE COMMISSION OR OTHER STATE AGENCY SHALL OFFER IN  
25 WRITING THE HOMEOWNER OR HOMEOWNERS A LIFE ESTATE IN THAT PROPERTY.  
26 ACCEPTANCE OF THE LIFE ESTATE SHALL BE TAKEN INTO CONSIDERATION WHEN  
27 DETERMINING THE VALUE OF THE PROPERTY. UPON ACCEPTANCE, THE RECIPIENT  
28 OF THE LIFE ESTATE WILL PAY REAL ESTATE PROPERTY TAXES, INSURANCE, AND  
29 ORDINARY MAINTENANCE COSTS. REQUESTS FOR MATERIAL ALTERATIONS OR  
30 ADDITIONS TO THE PROPERTY MUST BE SUBMITTED IN WRITING TO THE HISTORIC  
31 ST. MARY'S CITY COMMISSION AND A REQUEST MUST BE APPROVED OR  
32 DISAPPROVED BY THE COMMISSION WITHIN 45 DAYS OF THE RECEIPT OF THE  
33 REQUEST.

34 (2) IN THE CASE OF A PURCHASE, THE COMMISSION OR OTHER STATE  
35 AGENCY SHALL MAKE THE OFFER:

36 (I) AT THE TIME OF EACH OFFER FOR PURCHASE; AND

37 (II) IN A DOCUMENT SEPARATE AND APART FROM ALL OTHER  
38 DOCUMENTS AT THE TIME OF RATIFICATION OF THE SALES CONTRACT.

39 (3) IN THE CASE OF A GIFT OR CONDEMNATION, THE COMMISSION OR  
40 OTHER STATE AGENCY SHALL MAKE THE OFFER AT THE TIME OF TRANSFER OF ANY  
41 RIGHT, TITLE OR INTEREST, PRESENT OR FUTURE, IN THE PROPERTY.

24

1 (C) THE COMMISSION OR OTHER STATE AGENCY MAY OFFER AT ANY TIME A  
2 LIFE ESTATE TO ANY OTHER HOMEOWNER OR PROPERTY OWNER WITHIN THE  
3 PROPOSED BOUNDARIES ESTABLISHED BY THE COMMISSION.

4 (D) THE HOMEOWNER OR PROPERTY OWNER MAY ACCEPT THE OFFER  
5 BEFORE THE 30TH CALENDAR DAY FOLLOWING THE TIME SET FORTH IN  
6 SUBSECTIONS (B) AND (C) OF THIS SECTION.

7 (E) UNTIL SUCH TIME AS THE COMMISSION CERTIFIES LEGITIMATE NEED  
8 FOR THE RESIDUE, THE HOLDER OF THE LIFE ESTATE MAY CONTINUE TO USE IT AS  
9 IT EXISTED PRIOR TO THE TRANSFER OF TITLE AND THE CREATION OF THE LIFE  
10 ESTATE, ON A LEASE ARRANGEMENT.

11 24-514.

12 NOTWITHSTANDING THE PROVISIONS OF TITLE 4, SUBTITLE 4, PART III OF THE  
13 STATE FINANCE AND PROCUREMENT ARTICLE, AND SUBJECT TO THE AVAILABILITY  
14 OF FUNDS AND IN ACCORDANCE WITH OTHER PROVISIONS OF THIS SUBTITLE  
15 REGARDING THE HISTORIC ST. MARY'S CITY COMMISSION, THE COMMISSION MAY  
16 ENTER INTO AGREEMENTS WITH PRESERVATION LAND TRUSTS, FOUNDATIONS,  
17 AND OTHER ENTITIES FOR THE PURPOSE OF ACQUIRING TITLE TO OR AN INTEREST  
18 IN PROPERTY IN HISTORIC ST. MARY'S CITY THAT IS OWNED BY SUCH AN ENTITY OR  
19 ON WHICH THE ENTITY HOLDS AN OPTION OR A CONTRACT TO PURCHASE.

20 24-515.

21 THE COMMISSION MAY RECEIVE AND THE STATE MAY PAY OVER AND  
22 TRANSFER TO THE COMMISSION, FROM TIME TO TIME, PROPERTY HELD IN THE  
23 NAME OF THE STATE, OR ANY OTHER STATE AGENCY TO CARRY OUT THE  
24 PURPOSES OF THE COMMISSION.

25 PART IV. REVENUE BONDS.

26 24-516.

27 (A) SUBJECT TO THIS PART IV OF THIS SUBTITLE, THE COMMISSION MAY AT  
28 ANY TIME AND FROM TIME TO TIME ISSUE BONDS, BOND ANTICIPATION NOTES, OR  
29 OTHER OBLIGATIONS, (HEREIN REFERRED TO AS "BONDS"), AND MAY USE THE  
30 PROCEEDS OR THE EARNINGS FROM THE INVESTMENT THEREON FOR ANY  
31 AUTHORIZED PURPOSE, INCLUDING THE ESTABLISHMENT OF RESERVES AND THE  
32 PAYMENT OF INTEREST.

33 (B) EVERY ISSUANCE OF BONDS SHALL BE MADE PURSUANT TO A  
34 DETERMINATION THAT THE ISSUANCE IS CONSISTENT WITH ONE OR MORE  
35 PURPOSES OF THE COMMISSION. THE DETERMINATION SHALL BE MADE BY THE  
36 CHAIRMAN OF THE COMMISSION. THE DETERMINATION IS EFFECTIVE UPON THAT  
37 APPROVAL, WITHOUT ANY OTHER PROCEEDING, ACTION, OR APPROVAL, AND IN  
38 CONCLUSION OF THE MATTERS DETERMINED THEREIN.

39 (C) THE COMMISSION SHALL NOTIFY THE TREASURER AND THE  
40 DEPARTMENT OF BUDGET AND MANAGEMENT OF ITS INTENTION TO ISSUE BONDS  
41 UP TO A STATED AMOUNT. NO OTHER APPROVALS, CONSENTS, NOTIFICATIONS,



25

1 PROCEEDINGS, OR THE OCCURRENCE OF ANY OTHER CONDITIONS, OTHER THAN  
2 THOSE EXPRESSLY REQUIRED BY THIS TITLE ARE REQUIRED PRIOR TO THE  
3 ISSUANCE OF THE BONDS.

4 (D) THE COMMISSION MAY SECURE THE BONDS BY A RESOLUTION OR TRUST  
5 AGREEMENT BETWEEN THE COMMISSION AND A CORPORATE TRUSTEE OR  
6 TRUSTEES, WHICH MAY BE ANY TRUST COMPANY OR BANK HAVING THE POWERS OF  
7 A TRUST COMPANY WITHIN OR WITHOUT THE STATE.

8 (E) PROCEEDS OF BONDS AND THE INVESTMENT INCOME FROM SUCH BONDS  
9 SHALL BE DEPOSITED BY THE COMMISSION IN ANY STATE OR NATIONAL BANK OR  
10 FEDERALLY INSURED SAVINGS AND LOAN ASSOCIATION HAVING A TOTAL PAID-IN  
11 CAPITAL OF AT LEAST \$1,000,000. THE TRUST DEPARTMENT OF ANY STATE OR  
12 NATIONAL BANK OR SAVINGS AND LOAN ASSOCIATION, OR TRUST COMPANY, MAY  
13 BE DESIGNATED AS A DEPOSITORY TO RECEIVE ANY SECURITIES ACQUIRED OR  
14 OWNED BY THE CORPORATION.

15 24-517.

16 (A) THE BONDS OF ANY ISSUE SHALL BE PAYABLE SOLELY FROM THE  
17 PROPERTY OR RECEIPTS OF THE COMMISSION, INCLUDING:

18 (1) FEES, CHARGES, RENTS, OR OTHER REVENUES PAYABLE TO THE  
19 COMMISSION;

20 (2) PAYMENTS BY FINANCIAL INSTITUTIONS, INSURANCE COMPANIES,  
21 OR OTHERS PURSUANT TO LETTERS OR LINES OF CREDIT, POLICIES OF INSURANCE,  
22 OR PURCHASE AGREEMENTS;

23 (3) INVESTMENT EARNINGS FROM FUNDS OR ACCOUNTS MAINTAINED  
24 PURSUANT TO A BOND RESOLUTION OR TRUST AGREEMENT;

25 (4) PROCEEDS OF REFUNDING BONDS; AND

26 (5) ANY OTHER SOURCE AUTHORIZED BY LAW.

27 (B) (1) BONDS ISSUED UNDER THE PROVISIONS OF THIS TITLE ARE NOT A  
28 DEBT OF, AND DO NOT PLEDGE THE FAITH, CREDIT, OR TAXING POWER OF THE  
29 STATE.

30 (2) THE BONDS SHALL CONTAIN ON THEIR FACE A STATEMENT THAT  
31 THE BONDS ARE NOT A DEBT OF, AND DO NOT PLEDGE THE FAITH, CREDIT, OR  
32 TAXING POWER OF THE STATE, THE COMMISSION, OR ANY POLITICAL SUBDIVISION,  
33 BUT ARE PAYABLE SOLELY FROM THE REVENUES AND PROPERTY PROVIDED FOR  
34 THEREIN.

35 (3) THE COMMISSION MAY RECEIVE AND THE STATE MAY LEASE TO OR  
36 LEASE BACK TO THE COMMISSION ANY PROPERTY HELD IN THE NAME OF THE  
37 STATE OR ANY OTHER AGENCY OF THE STATE IN ORDER TO FACILITATE THE  
38 ISSUANCE OF REVENUE BONDS BY THE COMMISSION UNDER THIS SUBTITLE.

26

1 24-518.

2 THE BONDS THAT THE COMMISSION ISSUES SHALL:

3 (1) BE ISSUED AT, ABOVE, OR BELOW PAR VALUE, FOR CASH OR OTHER  
4 VALUABLE CONSIDERATION, AND MATURE AT A TIME OR TIMES, WHETHER AS  
5 SERIAL BONDS OR AS TERM BONDS OR BOTH, NOT EXCEEDING THE MATURITY  
6 DATE ESTABLISHED BY THE COMMISSION;

7 (2) BEAR INTEREST AT THE FIXED OR VARIABLE RATE OR RATES  
8 DETERMINED BY THE METHOD PROVIDED IN THE RESOLUTION OR TRUST  
9 AGREEMENT;

10 (3) BE PAYABLE AT A TIME OR TIMES, IN THE DENOMINATIONS AND  
11 FORM, EITHER COUPON OR REGISTERED OR BOTH, AND CARRY THE REGISTRATION  
12 AND PRIVILEGES AS TO CONVERSION AND FOR THE REPLACEMENT OF MUTILATED,  
13 LOST, OR DESTROYED BONDS AS THE RESOLUTION OR TRUST AGREEMENT MAY  
14 PROVIDE;

15 (4) NOTWITHSTANDING ANY OTHER LAW, BE DEEMED A "SECURITY"  
16 WITHIN THE MEANING OF § 8-102 OF THE COMMERCIAL LAW ARTICLE, WHETHER OR  
17 NOT IT IS EITHER ONE OF A CLASS OR A SERIES OR BY ITS TERMS IS DIVISIBLE INTO  
18 A CLASS OR SERIES OF INSTRUMENTS AND NEGOTIABLE FOR ALL PURPOSES  
19 ALTHOUGH PAYABLE FROM A LIMITED SOURCE;

20 (5) BE PAYABLE IN LAWFUL MONEY OF THE UNITED STATES AT A  
21 DESIGNATED PLACE;

22 (6) BE SUBJECT TO THE TERMS OF PURCHASE, PAYMENT, REDEMPTION,  
23 REFUNDING, OR REFINANCING THAT THE RESOLUTION OR TRUST AGREEMENT  
24 PROVIDES;

25 (7) BE EXECUTED BY THE MANUAL OR FACSIMILE SIGNATURES OF THE  
26 OFFICERS OF THE COMMISSION DESIGNATED BY THE COMMISSION, WHICH  
27 SIGNATURES SHALL BE VALID AT DELIVERY EVEN FOR AN OFFICER WHO HAS  
28 CEASED TO HOLD OFFICE; AND

29 (8) BE SOLD IN THE MANNER AND ON THE TERMS DETERMINED BY THE  
30 COMMISSION, INCLUDING PRIVATE OR NEGOTIATED SALE AND BE EXEMPT FROM §§  
31 8-206, 8-208, 8-209, AND 8-213 THROUGH 8-221 OF THE STATE FINANCE AND  
32 PROCUREMENT ARTICLE.

33 24-519.

34 (A) ANY RESOLUTION OR TRUST AGREEMENT THE COMMISSION ADOPTS OR  
35 ENTERS INTO UNDER THIS SUBTITLE MAY CONTAIN PROVISIONS THAT:

36 (1) PLEDGE, ASSIGN, OR DIRECT THE USE, INVESTMENT, OR  
37 DISPOSITION OF ALL OR A PORTION OF THE RECEIPTS OF THE COMMISSION OR ALL  
38 OR A PORTION OF THE PROCEEDS OR BENEFITS OF ANY CONTRACT AND CONVEY  
39 OR OTHERWISE SECURE ANY PROPERTY OR PROPERTY RIGHTS;

1 (2) SET ASIDE LOAN FUNDING DEPOSITS, DEBT SERVICE RESERVES,  
2 CAPITALIZED INTEREST ACCOUNTS, COST OF ISSUANCE ACCOUNTS, SINKING FUNDS,  
3 AND OTHER FUNDS AND ACCOUNTS, AND REGULATE, INVEST, AND DISPOSE OF  
4 THESE DEPOSITS, RESERVES, ACCOUNTS, AND FUNDS;

5 (3) LIMIT THE PURPOSE TO WHICH OR THE INVESTMENTS IN WHICH  
6 THE PROCEEDS OF SALE OF ANY ISSUE OF BONDS MAY BE APPLIED AND RESTRICT  
7 THE INVESTMENT OF REVENUES OR BOND PROCEEDS AS DEEMED NECESSARY,  
8 WHICH MAY INCLUDE LIMITING INVESTMENTS TO GOVERNMENT OBLIGATIONS FOR  
9 WHICH PRINCIPAL AND INTEREST ARE UNCONDITIONALLY GUARANTEED BY THE  
10 UNITED STATES;

11 (4) LIMIT THE ISSUANCE OF ADDITIONAL BONDS AND SPECIFY THE  
12 TERMS ON WHICH ADDITIONAL BONDS MAY BE ISSUED, SECURED, AND RANK ON  
13 PARITY WITH, OR BE SUBORDINATE OR SUPERIOR TO, OTHER BONDS;

14 (5) REFUND OR REFINANCE OUTSTANDING BONDS;

15 (6) ESTABLISH ANY PROCEDURE CONCERNING THE MANNER IN WHICH  
16 THE TERMS OF ANY CONTRACT WITH BONDHOLDERS MAY BE ALTERED OR  
17 AMENDED, THE AMOUNT OF BONDS TO WHICH THE HOLDERS MUST CONSENT, AND  
18 THE MANNER IN WHICH THE HOLDERS MUST CONSENT;

19 (7) DEFINE THE ACTS OR OMISSIONS THAT CONSTITUTE A DEFAULT IN  
20 THE DUTIES OF THE COMMISSION TO HOLDERS OF BONDS AND PROVIDE THE  
21 RIGHTS AND REMEDIES OF THE HOLDERS IN THE EVENT OF A DEFAULT, WHICH  
22 MAY INCLUDE PROVISIONS THAT RESTRICT INDIVIDUAL RIGHT OR ACTION BY  
23 BONDHOLDERS;

24 (8) PROVIDE FOR GUARANTEES, PLEDGES OF PROPERTY, PURCHASES  
25 OR SALES OF PROPERTY, LEASING, LEASING BACK OR SUBLEASING OF PROPERTY,  
26 THE ASSIGNMENT OF ANY PLEDGES, PURCHASE, SALE, LEASE OR SUBLEASE  
27 AGREEMENTS, LETTERS OF CREDIT OR OTHER SECURITY, OR INSURANCE FOR THE  
28 BENEFIT OF BONDHOLDERS; AND

29 (9) PROVIDE FOR ANY OTHER MATTER RELATING TO THE BONDS THAT  
30 THE COMMISSION DEEMS APPROPRIATE.

31 (B) ANY PROVISIONS UNDER SUBSECTION (A) OF THIS SECTION THAT THE  
32 COMMISSION INCLUDES IN A RESOLUTION OR TRUST AGREEMENT SHALL BE PART  
33 OF THE CONTRACT WITH THE HOLDERS OF THE BONDS.

34 24-520.

35 (A) A PLEDGE BY THE COMMISSION OF REVENUES AS SECURITY FOR AN  
36 ISSUE OF BONDS SHALL BE VALID AND BINDING FROM THE TIME WHEN THE  
37 DOCUMENTS EVIDENCING THE PLEDGE ARE EXECUTED BY THE COMMISSION.

38 (B) (1) THE REVENUES THAT THE COMMISSION PLEDGES ARE  
39 IMMEDIATELY SUBJECT TO THE LIEN OF THE PLEDGE WITHOUT ANY PHYSICAL  
40 DELIVERY OR FURTHER ACT.

28

1 (2) THE LIEN OF ANY PLEDGE OF REVENUE IS VALID AND BINDING  
2 AGAINST ANY PERSON WHO HAS ANY CLAIM IN TORT, CONTRACT, OR OTHERWISE  
3 AGAINST THE COMMISSION, WHETHER OR NOT THE PERSON HAS NOTICE.

4 (C) IN ORDER TO PERFECT THE LIEN ON THE REVENUE PLEDGED BY THE  
5 COMMISSION AGAINST THIRD PERSONS, A RESOLUTION, TRUST AGREEMENT OR  
6 FINANCING STATEMENT, CONTINUATION STATEMENT, OR OTHER INSTRUMENT  
7 THAT THE COMMISSION ADOPTS OR ENTERS INTO NEED NOT BE FILED OR  
8 RECORDED IN ANY PUBLIC RECORD OTHER THAN THE RECORDS OF THE  
9 COMMISSION.

10 24-521.

11 (A) A MEMBER OF THE COMMISSION, OR ANY PERSON EXECUTING THE  
12 BONDS, IS NOT LIABLE PERSONALLY ON THE BONDS OR SUBJECT TO ANY PERSONAL  
13 LIABILITY BY REASON OF THE ISSUANCE OF THE BONDS.

14 (B) EXCEPT AS OTHERWISE PROVIDED BY AN APPLICABLE RESOLUTION OR  
15 TRUST AGREEMENT, A HOLDER OF BONDS ISSUED UNDER THIS SUBTITLE, OR A  
16 TRUSTEE ACTING UNDER A TRUST AGREEMENT ENTERED INTO UNDER THIS  
17 SUBTITLE, MAY, BY ANY SUITABLE FORM OF LEGAL PROCEEDINGS, PROTECT AND  
18 ENFORCE ANY RIGHTS GRANTED UNDER THE LAWS OF THIS STATE OR BY ANY  
19 APPLICABLE RESOLUTION OR TRUST AGREEMENT.

20 24-522.

21 (A) THE COMMISSION MAY ISSUE BONDS TO REFUND ANY OF ITS BONDS  
22 THEN OUTSTANDING, INCLUDING THE PAYMENT OF ANY REDEMPTION PREMIUM  
23 AND ANY INTEREST ACCRUED OR TO ACCRUE TO THE EARLIEST OR ANY  
24 SUBSEQUENT DATE OF REDEMPTION, PURCHASE, OR MATURITY OF THE BONDS.

25 (B) REFUNDING BONDS MAY BE ISSUED:

26 (1) (I) FOR THE PUBLIC PURPOSES OF REALIZING SAVINGS IN THE  
27 EFFECTIVE COSTS OF DEBT SERVICE, DIRECTLY OR THROUGH A DEBT  
28 RESTRUCTURING; OR

29 (II) FOR ALLEVIATING IMPENDING OR ACTUAL DEFAULT; AND

30 (2) IN ONE OR MORE SERIES IN AN AMOUNT IN EXCESS OF THAT OF THE  
31 BONDS TO BE REFUNDED.

32 24-523.

33 (A) THE COMMISSION MAY ENTER INTO AGREEMENTS WITH AGENTS, BANKS,  
34 INSURERS, OR OTHERS FOR THE PURPOSE OF ENHANCING THE MARKETABILITY OF,  
35 OR AS A SECURITY FOR, ITS BONDS.

36 (B) ANY FINANCIAL INSTITUTION, INVESTMENT COMPANY, INSURANCE  
37 COMPANY OR ASSOCIATION, AND ANY PERSONAL REPRESENTATIVE, GUARDIAN,  
38 TRUSTEE, OR OTHER FIDUCIARY, MAY LEGALLY INVEST ANY MONEYS BELONGING  
39 TO THEM OR WITHIN THEIR CONTROL IN ANY BONDS ISSUED BY THE COMMISSION.

29

1 24-524.

2 (A) THE BONDS OF THE COMMISSION, THEIR TRANSFER, THE INTEREST  
3 PAYABLE ON THEM, AND ANY INCOME DERIVED FROM THEM, INCLUDING ANY  
4 PROFIT REALIZED IN THEIR SALE OR EXCHANGE, ARE EXEMPT AT ALL TIMES FROM  
5 EVERY KIND OF TAXATION BY THIS STATE OR BY ANY OF ITS POLITICAL  
6 SUBDIVISIONS, MUNICIPAL CORPORATIONS, OR PUBLIC AGENCIES.

7 (B) THE BONDS OF THE COMMISSION, MAY, BUT ARE NOT REQUIRED TO BE,  
8 ISSUED IN CONFORMANCE WITH ANY APPLICABLE PROVISIONS OF THE INTERNAL  
9 REVENUE CODE OF THE UNITED STATES IN ORDER THAT THE INTEREST PAYABLE  
10 THEREON SHALL BE EXCLUDABLE FROM FEDERAL GROSS INCOME.

11 PART V. MISCELLANEOUS.

12 24-525.

13 (A) THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO EFFECT ITS  
14 PURPOSES.

15 (B) THIS SUBTITLE MAY BE CITED AS THE "HISTORIC ST. MARY'S CITY  
16 COMMISSION ACT".

17 SECTION 2. AND BE IT FURTHER ENACTED, That every person who, as of  
18 June 30, 1997, is an employee of the Department of Housing and Community  
19 Development at Historic St. Mary's City shall be, on and after July 1, 1997, an employee  
20 of the Historic St. Mary's City Commission, a public corporation, and, except as may be  
21 determined under Section 4 below, shall be subject to the rules and procedures of the  
22 personnel system established pursuant to § 14-408 of the Education Article of the  
23 Annotated Code of Maryland, are not subject to Executive Order 01.01.1996.13, shall  
24 suffer no loss of retirement status, and shall carry over all accrued leave balances. From  
25 and after July 1, 1997 all employees of the Commission are entitled to participate in the  
26 health benefit plans, including medical, prescription, dental, mental health, substance  
27 abuse, and vision plans, term life and personal accident and dismemberment insurance  
28 plans, and flexible spending accounts, and any other employee benefits authorized by or  
29 established pursuant to § 14-408 of the Education Article of the Annotated Code of  
30 Maryland.

31 SECTION 3. AND BE IT FURTHER ENACTED, That from and after July 1,  
32 1997, all employees of the Commission are entitled to participate in the employee pension  
33 plans authorized by and in accordance with the provisions of § 14-408(c) of the Education  
34 Article of the Annotated Code of Maryland. The Commission's obligation for retirement  
35 costs for Commission employees shall be computed, charged, and paid in accordance with  
36 the provisions of § 21-308(b)(1) and (c)(1) of the State Personnel and Pensions Article of  
37 the Annotated Code of Maryland.

38 SECTION 4. AND BE IT FURTHER ENACTED, That the Commission may  
39 review the personnel rules and procedures and procurement rules and procedures of St.  
40 Mary's College and may enter into a contract to have the College administratively handle  
41 the processing of personnel and procurement actions for the Commission. The  
42 Commission after consultation with the College shall determine on any variations in

30

1 personnel or procurement policies or procedures that are necessary or prudent for the  
2 efficient and effective operation of Historic St. Mary's City. Under the terms of any such  
3 contract the College shall have no liability express or implied for accrued leave balances,  
4 salaries or other payments due employees, or the actions of any Commissioner or any  
5 employee of the Commission with respect to such contract.

6 SECTION 5. AND BE IT FURTHER ENACTED, That for Fiscal Year 1998, the  
7 General Fund operating appropriation to Historic St. Mary's City Commission for the  
8 operation and maintenance of Historic St. Mary's City shall be as provided in the State  
9 Fiscal Year 1998 appropriation. For each fiscal year thereafter, the proposed basic  
10 operating appropriation shall be at least equal to the grant of the prior fiscal year.

11 SECTION 6. AND BE IT FURTHER ENACTED, That the Commission may, in  
12 exercising its authority under § 24-509 of the Education Article as enacted by this Act,  
13 request and the College may agree, to add the Commission, its members, agents, and  
14 employees to any insurance policy carried by the College pursuant to § 14-204(h) of the  
15 Education Article, with any increased premium to be paid by the Commission.

16 SECTION 7. AND BE IT FURTHER ENACTED, That any fund balance,  
17 including funds, if any, in the special fund known as the Historic St. Mary's City Fund  
18 which are held by the Treasurer on June 30, 1997, shall be transferred to a separate  
19 nonbudgeted account held and accounted for by the Treasurer for Historic St. Mary's City  
20 to be known as the "Historic St. Mary's City Fund".

21 SECTION 8. AND BE IT FURTHER ENACTED, That unless expressly provided  
22 to the contrary in this Act, any transaction, contract or agreement validly entered into by  
23 or on behalf of the Historic St. Mary's City Commission on or before June 30, 1997 and  
24 every right, duty, or interest flowing from it remains valid after the effective date of this  
25 Act and may be completed, consummated, paid, terminated or enforced with its terms  
26 pursuant to law.

27 SECTION 9. AND BE IT FURTHER ENACTED, That the terms of the members  
28 of the Historic St. Mary's City Commission who are appointed by the Governor shall  
29 expire as follows: (1) 4 members in 1997; (2) 4 members in 1998; (3) 4 members in 1999;  
30 (4) 5 members in 2000. Any member of the Historic St. Mary's City Commission as of  
31 June 30, 1997 shall continue as a member until the later of (a) the expiration of the term  
32 such member is serving as of June 30, 1997, or (b) the appointment, pursuant to § 24-505  
33 of the Education Article of the Annotated Code of Maryland, of a successor  
34 Commissioner following the expiration of such term, or (c) the resignation of the  
35 member.

36 SECTION 10. AND BE IT FURTHER ENACTED, That if any provision of this  
37 Act or the application thereof to any person or circumstance is held invalid for any reason  
38 in a court of competent jurisdiction, the invalidity does not affect other provisions or any  
39 other application of this Act which can be given effect without the invalid provision or  
40 application, and for this purpose the provisions of this Act are declared severable.

41 SECTION 11. AND BE IT FURTHER ENACTED, That this Act shall take effect  
42 July 1, 1997.