

CF 7r1242

By: Chairman, Economic and Environmental Affairs Committee (Departmental - Housing and Community Dev.) and Senators Miller and Dyson

Introduced and read first time: January 27, 1997

Rule 32(e) suspended

Assigned to: Economic and Environmental Affairs and Budget and Taxation

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)

2

1 Preamble

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

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

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

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

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

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

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

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

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

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

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

40 WHEREAS, The Commission has determined that the most viable future for
41 Historic St. Mary's City lies in a more intensive educational focus where the museum can

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1 serve as a center for education on a range of subjects, especially including historical
2 archaeology and early colonial American history significant to Maryland as well as the
3 nation; and

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

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

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

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

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

16 [5-201.

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

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

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

24 [5-202.

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

29 [5-203.

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

31 (b) Of the Commission members:

32 (1) 12 shall be appointed by the Governor with the advice and consent of
33 the Senate as follows:

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

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

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

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

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

5 (2) 1 shall be the Chairman of the St. Mary's College of Maryland Board of
6 Trustees or the Chairman's designee.

7 (c) (1) The term of a member is 4 years and until a successor is appointed and
8 qualifies. These terms are staggered as required by the terms of members as of July 1,
9 1991.

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

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

14 [5-204.

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

18 [5-205.

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

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

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

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

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

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

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1 (6) To cooperate with and assist, insofar as practicable, or enter into a
 2 contractual relationship with, any agency of the State or of any of its political
 3 subdivisions, and any private agency or person, in furtherance of the purposes of the
 4 Commission;

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

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

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

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

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

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

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

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

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

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

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

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

37 [5-206.

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

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

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

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

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

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

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

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

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

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

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

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

36 [5-207.

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

38 (1) A Chairman;

39 (2) A vice-chairman; and

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1 (3) Any other officer it requires.

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

4 [5-208.

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

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

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

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

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

14 (4) Employees of the Commission are unclassified.

15 (5) The Executive Director shall:

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

18 (ii) Act as secretary to the Commission.

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

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

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

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

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

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

36 3. Unless otherwise specified by the donor, the portion of the
37 Fund representing grants, gifts, legacies, bequests and endowments shall be budgeted for

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1 the development of programs and facilities at Historic St. Mary's City and may be
2 available for the Commission's budgeted operating expenses only if necessary to resolve a
3 shortfall in the amount of funds available for operating purposes.

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

7 [5-209.

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

11 [5-210.

12 The Commission may receive and the State may pay over and transfer to the
13 Commission, from time to time, moneys or property to carry out the purposes of the
14 Commission.]

15 [5-211.

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

27 [5-212.

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

35 **Article - Education**

36 **SUBTITLE 5. HISTORIC ST. MARY'S CITY COMMISSION.**

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

38 24-501.

39 **THERE IS A HISTORIC ST. MARY'S CITY COMMISSION.**

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1 24-502.

2 (A) THE GENERAL ASSEMBLY MAKES THE FOLLOWING DECLARATIONS AND
3 FINDINGS:

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

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

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

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

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

21 4. THE FIRST RELIGIOUS TOLERANCE ACT WAS ADOPTED IN
22 1649.

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

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

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

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1 (4) THE HISTORIC ST. MARY'S CITY COMMISSION NEEDS THE STATE TO
2 PROVIDE BASIC OPERATIONAL FUNDING AND ORGANIZATIONAL FLEXIBILITY TO
3 SUCCESSFULLY OPERATE HISTORIC ST. MARY'S CITY ALONG WITH AN INCREASED
4 EMPHASIS ON SOLICITING OTHER PUBLIC AND PRIVATE FUNDS TO PROVIDE
5 SUPPORT FOR EDUCATIONAL INITIATIVES, RESEARCH, STUDY, AND CURATION, AS
6 WELL AS ACCELERATED ARCHAEOLOGICAL PROJECTS AND CAPITAL
7 IMPROVEMENTS.

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

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

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

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

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

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

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

41 (2) TO EQUIP THE HISTORIC ST. MARY'S CITY COMMISSION WITH THE
42 NECESSARY AND VITAL MANAGERIAL DISCRETION TO PURSUE ITS PURPOSE
43 EFFECTIVELY, WITH THE UNDERSTANDING THAT THE COMMISSION WILL

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1 CONTRACT, AS IT CONSIDERS USEFUL AND APPROPRIATE BOTH FISCALLY AND
2 MANAGERIALLY, WITH ST. MARY'S COLLEGE OF MARYLAND, OR OTHER ENTITIES
3 AS MAY BE PRACTICAL AND APPROPRIATE, FOR SERVICES SUCH AS PROCUREMENT,
4 PERSONNEL, AND ACCOUNTING, AND OTHERWISE COLLABORATE FORMALLY AND
5 INFORMALLY WITH ST. MARY'S COLLEGE, ON THE USE AND EXCHANGE OF
6 EXPERTISE AND RESOURCES, BOTH MANAGERIAL AND EDUCATIONAL, AS BOTH
7 ENTITIES MAY DETERMINE IS PRUDENT AND EFFECTIVE, IN ADVANCING THE BASIC
8 MISSION OF EACH INSTITUTION;

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

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

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

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

39 24-503.

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

12

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

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

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

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

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

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

21 24-504.

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

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

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

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

34 (B) THE COMMISSION MAY:

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

38 (2) SUE AND BE SUED;

39 (3) IMPLEAD AND BE IMPLEADED;

13

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

2 (5) ADOPT AND ALTER AN OFFICIAL SEAL;

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

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

9 24-505.

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

12 (B) OF THE COMMISSION MEMBERS:

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

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

18 (II) ONE SHALL BE A REPRESENTATIVE FROM A PROMINENT
19 HISTORICAL MUSEUM;

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

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

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

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

28 (II) THE PRESIDENT OF THE HISTORIC ST. MARY'S FOUNDATION;
29 AND

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

31 (I) THE PRESIDENT OF THE SENATE OF MARYLAND OR THE
32 PRESIDENT'S DESIGNEE; AND

33 (II) THE SPEAKER OF THE HOUSE OF DELEGATES OR THE
34 SPEAKER'S DESIGNEE.

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

14

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

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

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

11 24-506.

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

13 (I) A CHAIRMAN;

14 (II) A VICE-CHAIRMAN; AND

15 (III) ANY OTHER OFFICER THE COMMISSION REQUIRES.

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

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

23 (I) LAND USE, ARCHAEOLOGY, HISTORICAL RESEARCH,
24 COLLECTIONS MANAGEMENT, AND CAPITAL PROJECTS;

25 (II) EDUCATIONAL PROGRAMMING, PUBLIC PROGRAMS, AND
26 PUBLIC AFFAIRS WITH A VIEW TO EXPANDING THE KNOWLEDGE OF AND
27 APPRECIATION FOR HISTORIC ST. MARY'S CITY TO THE REGION, STATE, AND
28 NATION;

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

33 (IV) FINANCIAL AND ADMINISTRATIVE AFFAIRS, INCLUDING
34 PROPERTY MANAGEMENT, PERSONNEL, PROCUREMENT, LEGAL, ACCOUNTING,
35 AUDIT, AND INVESTMENT POLICIES.

36 (2) THE CHAIRMAN OF THE COMMISSION SHALL APPOINT EACH
37 COMMISSIONER TO ONE OF THE STANDING COMMITTEES AND SUCH OTHER
38 COMMITTEES AS THE COMMISSION FROM TIME TO TIME DETERMINES TO APPOINT
39 FOR SPECIAL PURPOSES. THE CHAIRMAN SHALL DESIGNATE A CHAIR OF EACH
40 COMMITTEE.

15

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

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

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

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

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

21 PART II. POWERS AND DUTIES OF THE COMMISSION.

22 24-507.

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

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

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

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

16

1 PRINCIPAL AND INCOME OF THE GIFT, GRANT, BEQUEST, LEGACY, OR ENDOWMENT
2 TO FURTHER THE PURPOSES OF THE COMMISSION;

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

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

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

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

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

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

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

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

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

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

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

17

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

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

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

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

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

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

29 (8) TO PREPARE AN OVERALL STRATEGIC PLAN AT LEAST ONCE EVERY
30 5 YEARS THAT ESTABLISHES BOTH SHORT-RANGE AND LONG-RANGE GOALS,
31 OBJECTIVES, AND PRIORITIES FOR HISTORIC ST. MARY'S CITY IN SUPPORT OF ITS
32 MISSION; AND

33 (9) TO REPORT ANNUALLY TO THE GOVERNOR, AND SUBJECT TO §
34 2-1312 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY AS TO
35 THE COMMISSION'S ACTIVITIES DURING THE PRECEDING YEAR, INCLUDING
36 SPECIFICALLY:

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

39 (II) THE NUMBER OF VOLUNTEERS AND TOTAL HOURS
40 CONTRIBUTED TO THE OPERATION OF THE MUSEUM;

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

18

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

3 24-508.

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

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

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

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

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

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

36 24-509.

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

19

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

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

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

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

13 24-510.

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

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

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

23 (B) THE EXECUTIVE DIRECTOR SHALL:

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

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

33 (3) ACT AS SECRETARY TO THE COMMISSION AND PREPARE OR HAVE
34 PREPARED MINUTES OF EACH ACTION TAKEN BY THE COMMISSION AND THE
35 EXECUTIVE COMMITTEE; AND

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

38 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
39 EMPLOYEES OF THE COMMISSION, INCLUDING THE EXECUTIVE DIRECTOR, MAY
40 ACCEPT, SUBJECT TO THE APPROVAL OF THE COMMISSION, FACULTY STATUS AT ST.

20

1 MARY'S COLLEGE OF MARYLAND, INCLUDING REMUNERATED TEACHING OR
2 OTHER PROFESSIONAL RESPONSIBILITIES.

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

6 24-511.

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

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

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

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

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

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

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

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

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

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

21

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

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

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

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

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

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

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

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

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

1 24-512.

2 (A) NOTWITHSTANDING THE PROVISIONS OF TITLE 10, SUBTITLE 3 OF THE
3 STATE FINANCE AND PROCUREMENT ARTICLE, THE COMMISSION MAY SELL,
4 CONVEY, ASSIGN, LEASE, MORTGAGE, ENCUMBER, OR OTHERWISE TRANSFER OR
5 DISPOSE OF ANY REAL PROPERTY ACQUIRED OR HELD BY IT OR HELD BY THE
6 STATE OR AN AGENCY OF THE STATE FOR THE BENEFIT OF HISTORIC ST. MARY'S
7 CITY, AND ENTER INTO ANY CONTRACTS INCIDENT THERETO, FOR SUCH TERM AND
8 SUCH CONDITIONS AS THE COMMISSION DEEMS APPROPRIATE, EXCEPT:

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

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

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

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

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

25 (4) THE COMMISSION AND ITS OFFICERS AND EMPLOYEES ARE SUBJECT
26 TO THE PUBLIC ETHICS LAW, THE PUBLIC INFORMATION ACT, AND THE OPEN
27 MEETINGS LAW.

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

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

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

39 (2) POLITICAL SUBDIVISION WITHIN THE MEANING OF THE MARYLAND
40 INDUSTRIAL LAND ACT AND THE MARYLAND INDUSTRIAL AND COMMERCIAL
41 REDEVELOPMENT FUND ACT; AND

23

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

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

6 PART III. PROPERTY ACQUISITION PROCEDURES.

7 24-513.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

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

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

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

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

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

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

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

24

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

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

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

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

14 24-514.

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

23 24-515.

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

28 PART IV. REVENUE BONDS.

29 24-516.

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

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

1 (C) THE COMMISSION SHALL NOTIFY THE TREASURER AND THE
 2 DEPARTMENT OF BUDGET AND MANAGEMENT OF ITS INTENTION TO ISSUE BONDS
 3 UP TO A STATED AMOUNT. NO OTHER APPROVALS, CONSENTS, NOTIFICATIONS,
 4 PROCEEDINGS, OR THE OCCURRENCE OF ANY OTHER CONDITIONS, OTHER THAN
 5 THOSE EXPRESSLY REQUIRED BY THIS TITLE ARE REQUIRED PRIOR TO THE
 6 ISSUANCE OF THE BONDS.

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

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

18 24-517.

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

21 (1) FEES, CHARGES, RENTS, OR OTHER REVENUES PAYABLE TO THE
 22 COMMISSION;

23 (2) PAYMENTS BY FINANCIAL INSTITUTIONS, INSURANCE COMPANIES,
 24 OR OTHERS PURSUANT TO LETTERS OR LINES OF CREDIT, POLICIES OF INSURANCE,
 25 OR PURCHASE AGREEMENTS;

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

28 (4) PROCEEDS OF REFUNDING BONDS; AND

29 (5) ANY OTHER SOURCE AUTHORIZED BY LAW.

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

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

38 (3) THE COMMISSION MAY RECEIVE AND THE STATE MAY LEASE TO OR
 39 LEASE BACK TO THE COMMISSION ANY PROPERTY HELD IN THE NAME OF THE
 40 STATE OR ANY OTHER AGENCY OF THE STATE IN ORDER TO FACILITATE THE
 41 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.