

CF 7lr1242

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

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 1997

CHAPTER _____

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~~ an independent unit in the Office of the Governor; repealing provisions
5 relating to the Historic St. Mary's City Commission under the Department of
6 Housing and Community Development; specifying the composition, powers, and
7 duties of the new Commission; authorizing a certain affiliation between the new
8 Commission and St. Mary's College; authorizing the new Commission to borrow
9 money and issue bonds under certain circumstances; prohibiting the Commission
10 from issuing certain tax-exempt bonds; limiting the aggregate principal balance of
11 the bonds that the Commission may have outstanding and unpaid at any time;
12 exempting the bonds from taxation by the State and local governments; providing
13 for the issuance, sale, and repayment of the bonds; providing for the acquisition of
14 certain property; requiring the adoption of certain bylaws; requiring the new
15 Commission to issue certain reports; providing for the funding of the new
16 Commission; requiring the Governor to include a certain proposed General Fund
17 appropriation for each fiscal year to the Commission; requiring certain audits;
18 exempting the Commission from certain provisions of law; specifying certain
19 transitional provisions; requiring the Commission to undertake certain activities
20 relating to the reconstruction of a certain religious structure; providing for the
21 severability of this Act; and generally relating to the Historic St. Mary's City
22 Commission.

23 BY repealing

24 Article 83B - Department of Housing and Community Development

25 Section 5-201 through 5-212, inclusive, and the subtitle "Subtitle 2. Historic St.

2

1 Mary's City Commission"
2 Annotated Code of Maryland
3 (1995 Replacement Volume and 1996 Supplement)

4 BY adding to

5 Article - Education
6 Section 24-501 through 24-525, inclusive, to be under the new subtitle "Subtitle 5.
7 Historic St. Mary's City Commission"
8 Annotated Code of Maryland
9 (1997 Replacement Volume)

10 Preamble

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

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

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

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

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

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

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

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

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

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

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

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

16 WHEREAS, Many Maryland and national "firsts" occurred at St. Mary's City, it
17 being the place where:

18 (a) The separation of church and state was first practiced in the United States
19 starting in 1634;

20 (b) Mathias De Sousa was the first man of African descent to vote in a legislature
21 in 1645;

22 (c) The first woman's request for the right to vote was voiced by Margaret Brent
23 in 1647; and

24 (d) The first religious tolerance act was adopted in 1649; and

25 WHEREAS, Historic St. Mary's City is one of the oldest and best preserved early
26 colonial town sites remaining in America; the first Roman Catholic chapel in the English
27 colonies was established there in 1635; the first use of town planning came in 1668; and
28 the first printing press in the southern colonies came in 1685; and

29 WHEREAS, Events of tremendous historical significance to the development of the
30 State of Maryland occurred at St. Mary's City, including: the first State House of
31 Maryland in 1634; the first industries in Maryland - brick making and iron works - were
32 established in the 1630s, the first mill operated in Maryland in 1635, and the first public
33 inn opened in Maryland in 1638; the first Anglican church in Maryland in 1643; and the
34 first official city in Maryland in 1668; and

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

39 WHEREAS, This Act aims to facilitate a more effective relationship with the
40 General Assembly, the community, regional, statewide, and national organizations of

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1 similar interests, as well as with its highly successful neighbor, St. Mary's College of
2 Maryland; now, therefore,

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

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

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

7 [5-201.

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

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

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

15 [5-202.

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

20 [5-203.

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

22 (b) Of the Commission members:

23 (1) 12 shall be appointed by the Governor with the advice and consent of
24 the Senate as follows:

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

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

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

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

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

33 (2) 1 shall be the Chairman of the St. Mary's College of Maryland Board of
34 Trustees or the Chairman's designee.

5

1 (c) (1) The term of a member is 4 years and until a successor is appointed and
2 qualifies. These terms are staggered as required by the terms of members as of July 1,
3 1991.

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

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

8 [5-204.

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

12 [5-205.

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

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

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

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

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

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

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

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

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

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

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

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

9 (3) To report annually to the Governor, the Secretary, and, subject to §
 10 2-1312 of the State Government Article, to the General Assembly as to the Commission's
 11 activities during the preceding year, together with any recommendations or requests it
 12 considers appropriate to further the purposes of the Commission.

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

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

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

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

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

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

30 [5-206.

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

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

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

38 (4) "Principal residence" means a dwelling actually occupied or expected to
 39 be actually occupied by the homeowner or the homeowners for more than six consecutive

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1 months of the present calendar year. Nonoccupancy of the dwelling because of illness or
2 the need for special care, of the homeowner, is occupancy for the purposes of this section.

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

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

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

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

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

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

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

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

28 [5-207.

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

30 (1) A Chairman;

31 (2) A vice-chairman; and

32 (3) Any other officer it requires.

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

35 [5-208.

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

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

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

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

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

8 (4) Employees of the Commission are unclassified.

9 (5) The Executive Director shall:

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

12 (ii) Act as secretary to the Commission.

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

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

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

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

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

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

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

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

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1 [5-209.

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

5 [5-210.

6 The Commission may receive and the State may pay over and transfer to the
7 Commission, from time to time, moneys or property to carry out the purposes of the
8 Commission.]

9 [5-211.

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

21 [5-212.

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

29 **Article - Education**

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

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

32 24-501.

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

34 24-502.

35 (A) THE GENERAL ASSEMBLY MAKES THE FOLLOWING DECLARATIONS AND
36 FINDINGS:

37 (1) ST. MARY'S CITY IS THE BIRTHPLACE AND FIRST CAPITAL OF
38 MARYLAND AND OCCUPIES A UNIQUE PLACE IN AMERICAN HISTORY WHICH
39 DESERVES HONOR AND RESPECT. ST. MARY'S CITY IS THE POINT OF ORIGIN OF

10

1 MANY OF THE SEMINAL AND VITAL SOCIAL, POLITICAL, RELIGIOUS AND HUMANE
2 PRECEPTS OF OUR NATION AS LATER CAME TO BE REFLECTED IN THE UNITED
3 STATES CONSTITUTION AND BILL OF RIGHTS. ST. MARY'S CITY SHOULD BE
4 PROTECTED AND DEVELOPED AS A MEMORIAL TO MARYLAND'S HISTORICAL
5 BEGINNINGS AND HER EXTRAORDINARY CONTRIBUTION TO THE DEVELOPMENT OF
6 THIS NATION.

7 ~~(2) (1) MANY MARYLAND AND NATIONAL "FIRSTS" OCCURRED AT ST.~~
8 ~~MARY'S CITY. ST. MARY'S CITY WAS THE PLACE WHERE:~~

9 ~~1. THE SEPARATION OF CHURCH AND STATE WAS FIRST~~
10 ~~PRACTICED IN THE UNITED STATES STARTING IN 1634;~~

11 ~~2. MATHIAS DE SOUSA WAS THE FIRST MAN OF AFRICAN~~
12 ~~DESCENT TO VOTE IN A LEGISLATURE IN 1645;~~

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

15 ~~4. THE FIRST RELIGIOUS TOLERANCE ACT WAS ADOPTED IN~~
16 ~~1649.~~

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

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

29 ~~(3) (2) THERE IS A GREAT NEED TO ENCOURAGE THE STUDY AND~~
30 ~~APPRECIATION OF THE SIGNIFICANCE OF ST. MARY'S CITY TO THE HISTORY OF~~
31 ~~MARYLAND AND THE NATION. THE GENERAL ASSEMBLY RECOGNIZES THAT THE~~
32 ~~ORGANIZATIONAL STRUCTURES AND FUNDING FOR ST. MARY'S CITY HAVE NOT~~
33 ~~BEEN ADEQUATE TO PRODUCE THE KNOWLEDGE OF, OR APPRECIATION FOR, ST.~~
34 ~~MARY'S CITY THAT IT IS DUE FROM THE CITIZENS OF THIS STATE AS WELL AS OF~~
35 ~~THE NATION, AND FINDS AND DECLARES THAT A NEW COURSE OF ACTION IS~~
36 ~~NEEDED.~~

37 ~~(4) (3) THE HISTORIC ST. MARY'S CITY COMMISSION NEEDS THE~~
38 ~~STATE TO PROVIDE BASIC OPERATIONAL FUNDING AND ORGANIZATIONAL~~
39 ~~FLEXIBILITY TO SUCCESSFULLY OPERATE HISTORIC ST. MARY'S CITY ALONG WITH~~
40 ~~AN INCREASED EMPHASIS ON SOLICITING OTHER PUBLIC AND PRIVATE FUNDS TO~~
41 ~~PROVIDE SUPPORT FOR EDUCATIONAL INITIATIVES, RESEARCH, STUDY, AND~~
42 ~~CURATION, AS WELL AS ACCELERATED ARCHAEOLOGICAL PROJECTS AND CAPITAL~~
43 ~~IMPROVEMENTS.~~

11

1 ~~(5)~~ (4) EVERY MARYLAND SCHOOL CHILD SHOULD BE
2 KNOWLEDGEABLE AS TO THE HISTORY OF ST. MARY'S CITY AND ITS SIGNIFICANCE
3 NOT ONLY TO THIS STATE BUT TO THE DEVELOPMENT OF THE NATION. AS
4 RESOURCES BECOME AVAILABLE, EDUCATIONAL OPPORTUNITIES SHOULD BE
5 EXPANDED TO SECONDARY AND COLLEGE AGE STUDENTS AS WELL AS ADULTS
6 PURSUING CONTINUING EDUCATIONAL OPPORTUNITIES.

7 ~~(6)~~ (5) AN AFFILIATION BETWEEN THE COMMISSION AND ST. MARY'S
8 COLLEGE OF MARYLAND WILL ALLOW THE COMMISSION TO PUT TO FULLER AND
9 MORE EFFECTIVE USE THE ASSETS THAT THE STATE HAS ACQUIRED, PRESERVED
10 AND DEVELOPED AT HISTORIC ST. MARY'S CITY OVER THE LAST 30 YEARS.

11 ~~(7)~~ (6) THE ESTABLISHMENT OF THE HISTORIC ST. MARY'S CITY
12 COMMISSION AS A ~~PUBLIC CORPORATION~~ AN INDEPENDENT UNIT AND PROVISION
13 OF BASIC OPERATING FUNDS BY THE STATE IS IN THE PUBLIC INTEREST AND WILL
14 FACILITATE THE MANAGEMENT, OPERATION, AND DEVELOPMENT OF THIS
15 NATIONALLY IMPORTANT HISTORIC SITE.

16 ~~(8)~~ (7) HISTORIC ST. MARY'S CITY WILL BENEFIT FROM A CREATIVE
17 AFFILIATION AND MORE FORMAL COLLABORATION WITH ITS GEOGRAPHIC
18 NEIGHBOR, ST. MARY'S COLLEGE OF MARYLAND, ITSELF DESIGNATED IN 1840 AS A
19 LIVING MONUMENT TO THE LEGACY OF MARYLAND'S FIRST COLONIAL CAPITAL.

20 ~~(9)~~ (8) BOTH THE COMMISSION AND THE COLLEGE ARE COMMITTED
21 TO PRESERVING THE SITE OF MARYLAND'S FIRST COLONIAL CAPITAL AND ITS
22 ARCHAEOLOGICAL TREASURES WHILE CONTINUING TO ASSURE THAT THE
23 GENERAL PUBLIC AND MARYLAND SCHOOL CHILDREN IN PARTICULAR HAVE
24 CONTINUED OPPORTUNITIES TO VISIT AND EXPERIENCE THIS IMPORTANT 17TH
25 CENTURY HISTORICAL SITE.

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

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

34 (2) TO EQUIP THE HISTORIC ST. MARY'S CITY COMMISSION WITH THE
35 NECESSARY AND VITAL MANAGERIAL DISCRETION TO PURSUE ITS PURPOSE
36 EFFECTIVELY, WITH THE UNDERSTANDING THAT THE COMMISSION WILL
37 CONTRACT, AS IT CONSIDERS USEFUL AND APPROPRIATE BOTH FISCALLY AND
38 MANAGERIALLY, WITH ST. MARY'S COLLEGE OF MARYLAND, OR OTHER ENTITIES
39 AS MAY BE PRACTICAL AND APPROPRIATE, FOR SERVICES SUCH AS PROCUREMENT,
40 PERSONNEL, AND ACCOUNTING, AND OTHERWISE COLLABORATE FORMALLY AND
41 INFORMALLY WITH ST. MARY'S COLLEGE, ON THE USE AND EXCHANGE OF
42 EXPERTISE AND RESOURCES, BOTH MANAGERIAL AND EDUCATIONAL, AS BOTH
43 ENTITIES MAY DETERMINE IS PRUDENT AND EFFECTIVE, IN ADVANCING THE BASIC
44 MISSION OF EACH INSTITUTION;

12

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

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

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

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

31 24-503.

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

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

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

13

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

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

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

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

16 24-504.

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

19 (2) THE COMMISSION IS AN INSTRUMENTALITY OF THE STATE ~~AND A~~
20 ~~PUBLIC CORPORATION BY THAT NAME, STYLE, AND TITLE, OR SUCH OTHER NAME,~~
21 ~~STYLE, OR TITLE AS THE COMMISSION MAY ADOPT TO BE KNOWN AS THE HISTORIC~~
22 ~~ST. MARY'S COMMISSION OR ANY NAME THAT THE COMMISSION MAY ADOPT.~~
23 PROVIDED THE RESOLUTION ADOPTING ANY ~~SUCH CHANGE IN NAME, TITLE, OR~~
24 ~~STYLE~~ IS FILED PROMPTLY WITH THE SECRETARY OF STATE.

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

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

30 (5) THE COMMISSION IS AN INDEPENDENT UNIT IN THE EXECUTIVE
31 BRANCH OF GOVERNMENT THAT OPERATES IN THE OFFICE OF THE GOVERNOR.

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) IMPLEAD AND BE IMPLEADED;

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

39 (5) ADOPT AND ALTER AN OFFICIAL SEAL;

14

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.

15

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.

16

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;

17

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;

18

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.

19

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.

20

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.

21

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 (D) (1) AS THE COMMISSION CONSIDERS APPROPRIATE, THE COMMISSION
5 MAY REQUEST OTHER UNITS OF STATE GOVERNMENT TO DETAIL STAFF TO THE
6 COMMISSION.

7 (2) AS PROVIDED IN THE STATE BUDGET:

8 (I) THE ATTORNEY GENERAL SHALL PROVIDE LEGAL COUNSEL
9 AND SERVICES TO THE COMMISSION; AND

10 (II) OTHER UNITS OF STATE GOVERNMENT MAY DETAIL STAFF OR
11 TECHNICAL ASSISTANCE TO THE COMMISSION ON REQUEST OF THE COMMISSION.

12 (E) (1) AN EMPLOYEE OF THE COMMISSION:

13 (I) IS SUBJECT TO THE RULES AND PROCEDURES OF THE
14 PERSONNEL SYSTEM ESTABLISHED UNDER § 14-408 OF THE EDUCATION ARTICLE;
15 AND

16 (II) IS ENTITLED TO PARTICIPATE IN THE HEALTH BENEFIT PLANS,
17 INCLUDING MEDICAL, PRESCRIPTION, DENTAL, MENTAL HEALTH, SUBSTANCE
18 ABUSE, AND VISION PLANS, TERM LIFE AND PERSONAL ACCIDENT AND
19 DISMEMBERMENT INSURANCE PLANS, FLEXIBLE SPENDING ACCOUNTS, AND ANY
20 OTHER BENEFITS ESTABLISHED UNDER § 14-408 OF THE EDUCATION ARTICLE.

21 (2) (I) AN EMPLOYEE OF THE COMMISSION IS ENTITLED TO
22 PARTICIPATE IN THE EMPLOYEE PENSION PLANS AUTHORIZED BY AND IN
23 ACCORDANCE WITH § 14-408(C) OF THE EDUCATION ARTICLE.

24 (II) THE COMMISSION'S OBLIGATION FOR RETIREMENT COSTS FOR
25 COMMISSION EMPLOYEES SHALL BE COMPUTED, CHARGED, AND PAID IN
26 ACCORDANCE WITH § 21-308(B)(1) AND (C)(1) OF THE STATE PERSONNEL AND
27 PENSIONS ARTICLE.

28 24-511.

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

30 (2) THE STATE TREASURER SHALL HOLD THE HISTORIC ST. MARY'S
31 CITY FUND. THE FUNDS IN THE ACCOUNT SHALL BE INVESTED AND REINVESTED BY
32 THE TREASURER IN ACCORDANCE WITH THE WRITTEN INVESTMENT POLICIES OF
33 THE COMMISSION. ANY INVESTMENT EARNINGS ON THE FUNDS IN THE ACCOUNT
34 SHALL BE PAID INTO THE FUND.

35 ~~(3) ANY UNEXPENDED FUNDS HELD BY THE STATE TREASURER SHALL~~
36 ~~NOT REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL~~
37 ~~YEAR.~~

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

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

4 ~~(2) THE GENERAL FUND OPERATING GRANT SHALL BE DEPOSITED IN~~
5 ~~THE HISTORIC ST. MARY'S CITY FUND FOR THE BENEFIT OF HISTORIC ST. MARY'S~~
6 ~~CITY.~~

7 ~~(3) THE STATE SHALL PAY THE GENERAL FUND GRANT UNDER THIS~~
8 ~~SUBSECTION ON A QUARTERLY BASIS.~~

9 ~~(4) NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SUBSECTION,~~
10 ~~THIS SUBSECTION MAY NOT BE CONSTRUED TO RESTRICT THE BUDGETARY POWER~~
11 ~~OF THE GENERAL ASSEMBLY.~~

12 ~~(C)(1) THE COMMISSION SHALL SUPPORT ALL OPERATING COSTS OF~~
13 ~~HISTORIC ST. MARY'S CITY, INCLUDING PERSONNEL AND RETIREMENT COSTS FROM~~
14 ~~THE GENERAL FUND GRANT TO THE COMMISSION AND ANY OTHER REVENUE,~~
15 ~~FROM OTHER SOURCES, PUBLIC AND PRIVATE, COMING TO THE HISTORIC ST.~~
16 ~~MARY'S CITY COMMISSION.~~

17 (3) ALL UNEXPENDED OR UNENCUMBERED BALANCES OF THE FUND:

18 (I) SHALL BE REPORTED TO THE COMPTROLLER AT THE END OF
19 THE FISCAL YEAR FOR WHICH THE APPROPRIATION WAS MADE;

20 (II) DO NOT REVERT TO THE GENERAL FUND OR ANY OTHER
21 SPECIAL FUND OF THE STATE; AND

22 (III) SHALL BE AVAILABLE FOR EXPENDITURE THROUGH AN
23 APPROPRIATION CONTAINED IN A BUDGET BILL OR THROUGH AN APPROVED
24 BUDGET AMENDMENT.

25 (4) THE COMMISSION SHALL USE THE FUND AS A CONTINUING,
26 NONLAPSING, REVOLVING FUND FOR CARRYING OUT THE PURPOSES OF THIS
27 SUBTITLE.

28 (B) THE FUND CONSISTS OF:

29 (1) ANY GENERAL FUNDS APPROPRIATED TO THE COMMISSION;

30 (2) ANY FEES COLLECTED BY THE COMMISSION; AND

31 (3) EXCEPT AS PROVIDED IN SUBSECTION (C)(3) OF THIS SECTION, ANY
32 ADDITIONAL MONEYS RECEIVED OR PAID TO THE COMMISSION FROM ANY OTHER
33 SOURCE AUTHORIZED BY LAW.

34 (C) (1) THE COMMISSION SHALL PAY ALL EXPENSES AND MAKE ALL
35 EXPENDITURES FROM THE FUND.

36 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
37 EXPENDITURES FROM THE FUND SHALL BE MADE PURSUANT TO AN
38 APPROPRIATION APPROVED BY THE GENERAL ASSEMBLY IN THE ANNUAL STATE

1 BUDGET OR BY THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN § 7-209
 2 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

3 (3) (I) THE COMMISSION MAY ACCEPT AND SPEND ANY GIFT,
 4 BEQUEST, DONATION, ENDOWMENT, OR LEGACY FROM ANY PERSON IN
 5 ACCORDANCE WITH THE TERMS OR CONDITIONS OF THE GIFT, BEQUEST,
 6 DONATION, ENDOWMENT, OR LEGACY.

7 (II) ALL FUNDS RECEIVED FROM ANY GIFT, BEQUEST, DONATION,
 8 ENDOWMENT, OR LEGACY SHALL BE HELD BY THE STATE TREASURER IN A
 9 NONBUDGETED ACCOUNT AND MAY BE INVESTED AS THE COMMISSION DIRECTS IN
 10 ACCORDANCE WITH LAW.

11 (III) ALL RECEIPTS OF AND EXPENDITURES FROM THE
 12 NONBUDGETED ACCOUNT:

13 1. SHALL BE REPORTED ANNUALLY TO THE DEPARTMENT
 14 OF BUDGET AND MANAGEMENT FOR INCLUSION FOR INFORMATION PURPOSES IN
 15 THE STATE BUDGET BOOK; AND

16 2. ARE SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR.

17 (D) (1) THE COMMISSION MAY PLEDGE AND CHARGE ALL OR A PORTION
 18 OF THE RECEIPTS OF THE FUND FOR THE PAYMENT OF:

19 (I) DEBT SERVICE ON BONDS OF THE AUTHORITY; AND

20 (II) ALL REASONABLE CHARGES AND EXPENSES RELATED TO
 21 BORROWING BY THE COMMISSION AND MANAGEMENT OF THE OBLIGATIONS OF
 22 THE COMMISSION.

23 (2) A PLEDGE MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION IS
 24 EFFECTIVE AS PROVIDED IN § 24-520 OF THIS SUBTITLE AND ANY APPLICABLE
 25 RESOLUTION OF THE COMMISSION.

26 (E) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE
 27 ANNUAL BUDGET BILL A PROPOSED GENERAL FUND APPROPRIATION TO THE
 28 COMMISSION IN AN AMOUNT NOT LESS THAN THE AMOUNT OF THE GENERAL FUND
 29 OPERATING APPROPRIATION TO THE COMMISSION INCLUDED IN THE STATE
 30 BUDGET FOR FISCAL YEAR 1998 AS PASSED BY THE GENERAL ASSEMBLY.

31 ~~(F)~~ (1) THE COMMISSION IS AUTHORIZED TO MAKE USE OF ITS
 32 FACILITIES, EQUIPMENT, AND OTHER RESOURCES TO PROVIDE SERVICES AND
 33 CHARGE APPROPRIATE FEES THEREFORE TO GENERATE INCOME FOR THE BENEFIT
 34 OF HISTORIC ST. MARY'S CITY.

35 (2) ALL FEES COLLECTED SHALL BE DEPOSITED IN THE HISTORIC ST.
 36 MARY'S CITY FUND.

37 ~~(G)~~ (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.

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 GOVERNOR FOR INCLUSION IN THE
 8 STATE BUDGET.

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

14 ~~(4) (3) SUBJECT TO THE BUDGET AMENDMENT PROCEDURE~~
 15 ~~PROVIDED FOR IN § 7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE,~~
 16 THE COMMISSION MAY SPEND OR ENCUMBER, WITHIN THE FISCAL YEAR THEY ARE
 17 RECEIVED OR ANY TIME THEREAFTER, ANY INCOME, REVENUES, OR OTHER FUNDS
 18 RECEIVED IN EXCESS OF THOSE ESTIMATED BY THE COMMISSION IN THE CAPITAL
 19 OR OPERATING BUDGET ADOPTED BY THE COMMISSION FOR THAT FISCAL YEAR.
 20 NOTWITHSTANDING ANY OTHER LAW OR REGULATION, THE COMMISSION MAY
 21 RECEIVE AND SPEND WITHOUT FURTHER APPROPRIATION ALL EARNED INCOME
 22 FROM FEES, RENTS, OR OTHER CHARGES, AS WELL AS ANY GRANTS, GIFTS,
 23 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.~~

25

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 OTHER 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

26

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.

27

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

29 PART IV. REVENUE BONDS.

30 24-516.

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

37 ~~(B) EVERY ISSUANCE OF BONDS SHALL BE MADE PURSUANT TO A~~
38 ~~DETERMINATION THAT THE ISSUANCE IS CONSISTENT WITH ONE OR MORE~~
39 ~~PURPOSES OF THE COMMISSION. THE DETERMINATION SHALL BE MADE BY THE~~
40 ~~CHAIRMAN OF THE COMMISSION. THE DETERMINATION IS EFFECTIVE UPON THAT~~

1 ~~APPROVAL, WITHOUT ANY OTHER PROCEEDING, ACTION, OR APPROVAL, AND IN~~
2 ~~CONCLUSION OF THE MATTERS DETERMINED THEREIN.~~

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

9 (B) (1) THE COMMISSION MAY ISSUE BONDS ONLY IF IT DETERMINES THAT
10 THE ISSUANCE IS NECESSARY TO ACHIEVE THE PURPOSES OF THIS SUBTITLE.

11 (2) THE DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION
12 SHALL BE MADE BY THE CHAIRMAN OF THE COMMISSION.

13 (C) (1) THE COMMISSION SHALL SUBMIT EACH PROPOSED ISSUE OF BONDS
14 TO THE BOARD OF PUBLIC WORKS AND SHALL OBTAIN THE APPROVAL OF THE
15 BOARD OF PUBLIC WORKS FOR THE PROPOSED ISSUE PRIOR TO SALE OF THE
16 BONDS.

17 (2) IN SUBMITTING A PROPOSAL TO ISSUE BONDS TO THE BOARD OF
18 PUBLIC WORKS, THE COMMISSION SHALL IDENTIFY THE SOURCE OF REVENUE THAT
19 SUPPORTS THE DEBT SERVICE ON THE BONDS.

20 (3) THE BOARD OF PUBLIC WORKS MAY NOT APPROVE THE ISSUANCE
21 OF BONDS BY THE COMMISSION THAT WILL RESULT IN MORE THAN \$3,000,000 IN AN
22 AGGREGATE OUTSTANDING AND UNPAID PRINCIPAL BALANCE OF BONDS FOR THE
23 COMMISSION AT ANY TIME.

24 (D) EXCEPT AS OTHERWISE EXPRESSLY REQUIRED BY THIS SUBTITLE, THE
25 COMMISSION MAY ISSUE THE BONDS OR NOTES WITHOUT:

26 (1) OBTAINING THE CONSENT OF ANY OTHER UNIT OF STATE
27 GOVERNMENT;

28 (2) ANY PROCEEDINGS; OR

29 (3) THE OCCURRENCE OF ANY CONDITIONS.

30 ~~(D)~~ (E) (1) THE COMMISSION SHALL BY RESOLUTION AUTHORIZE ANY
31 BONDS THAT IT ISSUES.

32 (2) THE COMMISSION MAY SECURE THE BONDS BY A RESOLUTION OR
33 TRUST AGREEMENT BETWEEN THE COMMISSION AND A CORPORATE TRUSTEE OR
34 TRUSTEES, WHICH MAY BE ANY TRUST COMPANY OR BANK HAVING THE POWERS OF
35 A TRUST COMPANY WITHIN OR WITHOUT THE STATE.

36 ~~(E)~~ (F) PROCEEDS OF BONDS AND THE INVESTMENT INCOME FROM SUCH
37 BONDS SHALL BE DEPOSITED BY THE COMMISSION IN ANY STATE OR NATIONAL
38 BANK OR FEDERALLY INSURED SAVINGS AND LOAN ASSOCIATION HAVING A TOTAL
39 PAID-IN CAPITAL OF AT LEAST \$1,000,000. THE TRUST DEPARTMENT OF ANY STATE
40 OR NATIONAL BANK OR SAVINGS AND LOAN ASSOCIATION, OR TRUST COMPANY,

29

1 MAY BE DESIGNATED AS A DEPOSITORY TO RECEIVE ANY SECURITIES ACQUIRED
2 OR OWNED BY THE CORPORATION.

3 24-517.

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

6 (1) FEES, CHARGES, RENTS, OR OTHER REVENUES PAYABLE TO THE
7 COMMISSION;

8 (2) PAYMENTS BY FINANCIAL INSTITUTIONS, INSURANCE COMPANIES,
9 OR OTHERS PURSUANT TO LETTERS OR LINES OF CREDIT, POLICIES OF INSURANCE,
10 OR PURCHASE AGREEMENTS;

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

13 (4) PROCEEDS OF REFUNDING BONDS; AND

14 (5) ANY OTHER SOURCE AUTHORIZED BY LAW.

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

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

23 (3) SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS, THE
24 COMMISSION MAY RECEIVE AND THE STATE MAY LEASE TO OR LEASE BACK TO THE
25 COMMISSION ANY PROPERTY WITHIN THE ENCLAVE OF HISTORIC ST. MARY'S CITY
26 AND ST. MARY'S COLLEGE HELD IN THE NAME OF THE STATE OR ANY OTHER
27 AGENCY OF THE STATE IN ORDER TO FACILITATE THE ISSUANCE OF REVENUE
28 BONDS BY THE COMMISSION UNDER THIS SUBTITLE.

29 24-518.

30 THE BONDS THAT THE COMMISSION ISSUES SHALL:

31 (1) BE ISSUED AT, ABOVE, OR BELOW PAR VALUE, FOR CASH OR OTHER
32 VALUABLE CONSIDERATION, AND MATURE AT A TIME OR TIMES, WHETHER AS
33 SERIAL BONDS OR AS TERM BONDS OR BOTH, NOT EXCEEDING ~~THE MATURITY~~
34 ~~DATE ESTABLISHED BY THE COMMISSION~~ 30 YEARS FROM THEIR RESPECTIVE
35 DATES OF ISSUE;

36 (2) BEAR INTEREST AT THE FIXED OR VARIABLE RATE OR RATES
37 DETERMINED BY THE METHOD PROVIDED IN THE RESOLUTION OR TRUST
38 AGREEMENT;

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

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

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

13 (6) BE SUBJECT TO THE TERMS OF PURCHASE, PAYMENT, REDEMPTION,
14 REFUNDING, OR REFINANCING THAT THE RESOLUTION OR TRUST AGREEMENT
15 PROVIDES;

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

20 (8) BE SOLD IN THE MANNER AND ON THE TERMS DETERMINED BY THE
21 COMMISSION, INCLUDING PRIVATE OR NEGOTIATED SALE AND BE EXEMPT FROM §§
22 8-206, 8-208, AND 8-209, ~~AND 8-213 THROUGH 8-221~~ OF THE STATE FINANCE AND
23 PROCUREMENT ARTICLE.

24 24-519.

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

27 (1) PLEDGE, ASSIGN, OR DIRECT THE USE, INVESTMENT, OR
28 DISPOSITION OF ALL OR A PORTION OF THE RECEIPTS OF THE COMMISSION OR ALL
29 OR A PORTION OF THE PROCEEDS OR BENEFITS OF ANY CONTRACT AND CONVEY
30 OR OTHERWISE SECURE ANY PROPERTY OR PROPERTY RIGHTS;

31 (2) SET ASIDE LOAN FUNDING DEPOSITS, DEBT SERVICE RESERVES,
32 CAPITALIZED INTEREST ACCOUNTS, COST OF ISSUANCE ACCOUNTS, SINKING FUNDS,
33 AND OTHER FUNDS AND ACCOUNTS, AND REGULATE, INVEST, AND DISPOSE OF
34 THESE DEPOSITS, RESERVES, ACCOUNTS, AND FUNDS;

35 (3) LIMIT THE PURPOSE TO WHICH OR THE INVESTMENTS IN WHICH
36 THE PROCEEDS OF SALE OF ANY ISSUE OF BONDS MAY BE APPLIED AND RESTRICT
37 THE INVESTMENT OF REVENUES OR BOND PROCEEDS AS DEEMED NECESSARY,
38 WHICH MAY INCLUDE LIMITING INVESTMENTS TO GOVERNMENT OBLIGATIONS FOR
39 WHICH PRINCIPAL AND INTEREST ARE UNCONDITIONALLY GUARANTEED BY THE
40 UNITED STATES;

31

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

4 (5) REFUND OR REFINANCE OUTSTANDING BONDS;

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

9 (7) DEFINE THE ACTS OR OMISSIONS THAT CONSTITUTE A DEFAULT IN
10 THE DUTIES OF THE COMMISSION TO HOLDERS OF BONDS AND PROVIDE THE
11 RIGHTS AND REMEDIES OF THE HOLDERS IN THE EVENT OF A DEFAULT, WHICH
12 MAY INCLUDE PROVISIONS THAT RESTRICT INDIVIDUAL RIGHT ~~OR~~ OF ACTION BY
13 BONDHOLDERS;

14 (8) PROVIDE FOR GUARANTEES, PLEDGES OF PROPERTY, PURCHASES
15 OR SALES OF PROPERTY, LEASING, LEASING BACK OR SUBLEASING OF PROPERTY,
16 THE ASSIGNMENT OF ANY PLEDGES, PURCHASE, SALE, LEASE OR SUBLEASE
17 AGREEMENTS, LETTERS OF CREDIT OR OTHER SECURITY, OR INSURANCE FOR THE
18 BENEFIT OF BONDHOLDERS; AND

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

21 (B) ANY PROVISIONS UNDER SUBSECTION (A) OF THIS SECTION THAT THE
22 COMMISSION INCLUDES IN A RESOLUTION OR TRUST AGREEMENT ~~SHALL BE~~ MAY
23 BE MADE PART OF THE CONTRACT WITH THE HOLDERS OF THE BONDS.

24 24-520.

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

28 (B) (1) THE REVENUES THAT THE COMMISSION PLEDGES ~~ARE~~ MAY BE
29 MADE IMMEDIATELY SUBJECT TO THE LIEN OF THE PLEDGE WITHOUT ANY
30 PHYSICAL DELIVERY OR FURTHER ACT.

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

34 (C) IN ORDER TO PERFECT THE LIEN ON THE REVENUE PLEDGED BY THE
35 COMMISSION AGAINST THIRD PERSONS, A RESOLUTION, TRUST AGREEMENT OR
36 FINANCING STATEMENT, CONTINUATION STATEMENT, OR OTHER INSTRUMENT
37 THAT THE COMMISSION ADOPTS OR ENTERS INTO NEED NOT BE FILED OR
38 RECORDED IN ANY PUBLIC RECORD OTHER THAN THE RECORDS OF THE
39 COMMISSION.

32

1 24-521.

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

5 (B) EXCEPT AS OTHERWISE PROVIDED BY AN APPLICABLE RESOLUTION OR
6 TRUST AGREEMENT, A HOLDER OF BONDS ISSUED UNDER THIS SUBTITLE, OR A
7 TRUSTEE ACTING UNDER A TRUST AGREEMENT ENTERED INTO UNDER THIS
8 SUBTITLE, MAY, BY ANY SUITABLE FORM OF LEGAL PROCEEDINGS, PROTECT AND
9 ENFORCE ANY RIGHTS GRANTED UNDER THE LAWS OF THIS STATE OR BY ANY
10 APPLICABLE RESOLUTION OR TRUST AGREEMENT.

11 24-522.

12 (A) THE COMMISSION MAY ISSUE BONDS TO REFUND ANY OF ITS BONDS
13 THEN OUTSTANDING, INCLUDING THE PAYMENT OF ANY REDEMPTION PREMIUM
14 AND ANY INTEREST ACCRUED OR TO ACCRUE TO THE EARLIEST OR ANY
15 SUBSEQUENT DATE OF REDEMPTION, PURCHASE, OR MATURITY OF THE BONDS.

16 (B) REFUNDING BONDS MAY BE ISSUED:

17 (1) (I) FOR THE PUBLIC PURPOSES OF REALIZING SAVINGS IN THE
18 EFFECTIVE COSTS OF DEBT SERVICE, DIRECTLY OR THROUGH A DEBT
19 RESTRUCTURING; OR

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

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

23 24-523.

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

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

31 24-524.

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

37 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BONDS OF
38 THE COMMISSION, MAY, BUT ARE NOT REQUIRED TO BE, ISSUED IN CONFORMANCE
39 WITH ANY APPLICABLE PROVISIONS OF THE INTERNAL REVENUE CODE OF THE

33

1 UNITED STATES IN ORDER THAT THE INTEREST PAYABLE THEREON SHALL BE
2 EXCLUDABLE FROM FEDERAL GROSS INCOME.

3 (2) THE COMMISSION MAY NOT ISSUE TAX-EXEMPT PRIVATE ACTIVITY
4 BONDS THAT ARE SUBJECT TO THE VOLUME CAP UNDER § 146 OF THE INTERNAL
5 REVENUE CODE.

6 PART V. MISCELLANEOUS.

7 24-525.

8 (A) THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO EFFECT ITS
9 PURPOSES.

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

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

26 ~~SECTION 3. AND BE IT FURTHER ENACTED, That from and after July 1,~~
27 ~~1997, all employees of the Commission are entitled to participate in the employee pension~~
28 ~~plans authorized by and in accordance with the provisions of § 14-408(e) of the Education~~
29 ~~Article of the Annotated Code of Maryland. The Commission's obligation for retirement~~
30 ~~costs for Commission employees shall be computed, charged, and paid in accordance with~~
31 ~~the provisions of § 21-308(b)(1) and (c)(1) of the State Personnel and Pensions Article of~~
32 ~~the Annotated Code of Maryland.~~

33 SECTION 4. 3. AND BE IT FURTHER ENACTED, That the Commission may
34 review the personnel rules and procedures and procurement rules and procedures of St.
35 Mary's College and may enter into a contract to have the College administratively handle
36 the processing of personnel and procurement actions for the Commission. The
37 Commission after consultation with the College shall determine on any variations in
38 personnel or procurement policies or procedures that are necessary or prudent for the
39 efficient and effective operation of Historic St. Mary's City. Under the terms of any such
40 contract the College shall have no liability express or implied for accrued leave balances,
41 salaries or other payments due employees, or the actions of any Commissioner or any
42 employee of the Commission with respect to such contract.

34

1 SECTION ~~5-~~ 4. AND BE IT FURTHER ENACTED, That for Fiscal Year 1998,
 2 the General Fund operating appropriation to Historic St. Mary's City Commission for the
 3 operation and maintenance of Historic St. Mary's City shall be as provided in the State
 4 Fiscal Year 1998 appropriation. ~~For each fiscal year thereafter, the proposed basic~~
 5 ~~operating appropriation shall be at least equal to the grant of the prior fiscal year.~~

6 SECTION ~~6-~~ 5. AND BE IT FURTHER ENACTED, That the Commission may, in
 7 exercising its authority under § 24-509 of the Education Article as enacted by this Act,
 8 request and the College may agree, to add the Commission, its members, agents, and
 9 employees to any insurance policy carried by the College pursuant to § ~~14-204(h)~~
 10 14-404(h) of the Education Article, with any increased premium to be paid by the
 11 Commission.

12 SECTION ~~7-~~ 6. AND BE IT FURTHER ENACTED, That any fund balance,
 13 including funds, if any, in the special fund known as the Historic St. Mary's City Fund
 14 which are held by the Treasurer on June 30, 1997, shall be transferred to ~~a separate~~
 15 ~~nonbudgeted account held and accounted for by the Treasurer for Historic St. Mary's City~~
 16 ~~to be known as the "Historic St. Mary's City Fund".~~ the Historic St. Mary's City Fund
 17 established under § 24-511 of the Education Article.

18 SECTION ~~8-~~ 7. AND BE IT FURTHER ENACTED, That unless expressly
 19 provided to the contrary in this Act, any transaction, contract or agreement validly
 20 entered into by or on behalf of the Historic St. Mary's City Commission on or before June
 21 30, 1997 and every right, duty, or interest flowing from it remains valid after the effective
 22 date of this Act and may be completed, consummated, paid, terminated or enforced with
 23 its terms pursuant to law.

24 SECTION ~~9-~~ 8. AND BE IT FURTHER ENACTED, That the terms of the
 25 members of the Historic St. Mary's City Commission who are appointed by the Governor
 26 shall expire as follows: (1) 4 members in 1997; (2) 4 members in 1998; (3) 4 members in
 27 1999; (4) 5 members in 2000. Any member of the Historic St. Mary's City Commission as
 28 of June 30, 1997 shall continue as a member until the later of (a) the expiration of the
 29 term such member is serving as of June 30, 1997, or (b) the appointment, pursuant to §
 30 24-505 of the Education Article of the Annotated Code of Maryland, of a successor
 31 Commissioner following the expiration of such term, or (c) the resignation of the
 32 member.

33 SECTION 9. AND BE IT FURTHER ENACTED, That the Historic St. Mary's
 34 City Commission shall:

35 (1) Assure that religious toleration, and the distinctive role of St. Mary's
 36 City in the development of religious toleration in our nation's history, is a key element of
 37 its educational programs and public presentations;

38 (2) Focus on the reconstruction of the first Roman Catholic Chapel in the
 39 English colonies as its next primary development objective; and

40 (3) Request the Historic St. Mary's City Foundation, a private nonprofit
 41 corporation, to undertake the Chapel reconstruction and raise private funds for the
 42 project in order to avoid any constitutional problems with reconstruction of a religious
 43 structure and to expedite the reconstruction of this important historical structure.

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

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