
By: **Delegate Harrison**

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Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 26, 1998

CHAPTER _____

1 AN ACT concerning

2 **Maryland African American Museum Corporation**

3 FOR the purpose of providing for the creation and organization of a public
4 Corporation to be known as the Maryland African American Museum
5 Corporation for certain museum ~~development~~ development planning, development, and
6 management purposes; defining certain terms; providing for the appointment of
7 a Board of Directors with certain qualifications and for a certain term; providing
8 for an Executive Director with certain duties; authorizing the Corporation to
9 exercise certain corporate powers and duties; authorizing the Governor to
10 provide State grants to the Corporation to support operating expenses;
11 ~~providing for a depository and for investment of Corporation funds~~ providing for
12 the deposit of certain funds and moneys; providing that certain trust companies
13 may be designated as repositories for certain securities; stating the applicability
14 of certain State and local laws, regulations, or approvals to the activities of the
15 Corporation; providing that, subject to certain exceptions, the Corporation is
16 exempt from State or local taxation or assessments; requiring the corporation to
17 comply with certain public ethics and minority business enterprise laws;
18 authorizing certain employees of the Corporation to participate in the
19 Employees' Retirement System of the State of Maryland; recognizing certain
20 support for the Maryland African American Museum Corporation to establish a
21 certain museum; providing that this Act does not supplant certain powers and
22 authority of a certain other Commission and the status of a certain other
23 museum; providing that this Act does not replace a certain other museum as the
24 official repository of the State for certain purposes; requiring certain audits and
25 reports; and generally relating to the creation, organization, powers, and
26 limitations of the Maryland African American Museum Corporation.

1 BY adding to
 2 Article 41 - Governor - Executive and Administrative Departments
 3 Section 20-101 through ~~20-114~~, 20-113, inclusive, to be under the new title and
 4 subtitle "Title 20. Statewide Cultural Programs" and "Subtitle 1. Maryland
 5 African American Museum Corporation"
 6 Annotated Code of Maryland
 7 (1997 Replacement Volume and 1997 Supplement)

8 BY adding to
 9 Article - State Personnel and Pensions
 10 Section 31-106.1
 11 Annotated Code of Maryland
 12 (1997 Replacement Volume)

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

15 **Article 41 - Governor - Executive and Administrative Departments**

16 TITLE 20. STATEWIDE CULTURAL PROGRAMS.

17 SUBTITLE 1. MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION.

18 20-101.

19 IN THIS SUBTITLE, "CORPORATION" MEANS THE MARYLAND AFRICAN
 20 AMERICAN MUSEUM CORPORATION.

21 ~~20-102.~~

22 ~~(A) THE GENERAL ASSEMBLY DECLARES AND FINDS THAT:~~

23 ~~(1) MARYLAND POSSESSES A RICH AFRICAN AMERICAN HERITAGE,~~
 24 ~~FROM MATHIAS DESOUSA TO THURGOOD MARSHALL, AND FROM THE~~
 25 ~~UNDERGROUND RAILROAD TO THE MODERN CIVIL RIGHTS MOVEMENT;~~

26 ~~(2) THE STATE AND ITS CITIZENS HAVE A NEED FOR AND SUPPORT AN~~
 27 ~~INSTITUTION OR INSTITUTIONS TO COLLECT, PRESERVE, AND INTERPRET FOR THE~~
 28 ~~PUBLIC THE STATE'S AFRICAN AMERICAN HERITAGE AND CAN DERIVE SUBSTANTIAL~~
 29 ~~BENEFIT FROM THEM, INCLUDING CULTURAL AND EDUCATIONAL BENEFITS AND~~
 30 ~~ECONOMIC DEVELOPMENT IN THE FORM OF INCREASED TOURISM AND VISITATION~~
 31 ~~TO THE STATE; AND~~

32 ~~(3) THE STATE, THROUGH A MARYLAND AFRICAN AMERICAN MUSEUM~~
 33 ~~CORPORATION, CAN MORE READILY ACCESS GOVERNMENTAL AND PRIVATE~~
 34 ~~FINANCIAL, COMMUNITY, AND TECHNICAL SUPPORT TO PLAN AND IMPLEMENT~~
 35 ~~INSTITUTIONS FOR THESE PURPOSES.~~

~~1 (B) THE GENERAL ASSEMBLY FURTHER DECLARES AND FINDS THAT THE
2 ESTABLISHMENT OF A STATE PUBLIC CORPORATION TO DEVELOP, OPERATE, AND
3 SUPPORT INSTITUTIONS FOR THE COLLECTION, PRESERVATION, AND
4 INTERPRETATION OF THE STATE'S AFRICAN AMERICAN HERITAGE WOULD SERVE
5 THE PUBLIC INTEREST AND WOULD COMPLEMENT EXISTING AND PROPOSED
6 AFRICAN AMERICAN AND OTHER HISTORICAL AND CULTURAL AND HERITAGE
7 TOURISM PROGRAMS THROUGHOUT THE STATE.~~

~~8 (C) THE GENERAL ASSEMBLY INTENDS THAT THE MARYLAND AFRICAN
9 AMERICAN MUSEUM CORPORATION INITIALLY ESTABLISH A MUSEUM OF AFRICAN
10 HISTORY AND CULTURE IN BALTIMORE CITY, IN COOPERATION WITH AND WITH THE
11 ACTIVE SUPPORT OF THE MAYOR AND CITY COUNCIL OF BALTIMORE, APPROPRIATE
12 STATE AGENCIES, AND OTHER PUBLIC AND PRIVATE INSTITUTIONS.~~

13 ~~20-103. 20-102.~~

14 (A) THERE IS A MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION.

15 (B) (1) THE CORPORATION IS A BODY POLITIC AND CORPORATE AND IS
16 CONSTITUTED AS A PUBLIC INSTRUMENTALITY OF THE STATE OF MARYLAND AND
17 AN INDEPENDENT UNIT IN THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT.

18 (2) THE EXERCISE BY THE CORPORATION OF THE POWERS CONFERRED
19 BY THIS SUBTITLE IS DEEMED TO BE THE PERFORMANCE OF AN ESSENTIAL PUBLIC
20 FUNCTION.

21 (C) (1) THE BOARD OF DIRECTORS OF THE CORPORATION SHALL MANAGE
22 THE AFFAIRS OF THE CORPORATION AND SHALL EXERCISE ALL OF ITS CORPORATE
23 POWERS.

24 (2) THE BOARD OF DIRECTORS SHALL CONSIST OF 16 MEMBERS, AS
25 FOLLOWS:

26 (I) THE MAYOR OF BALTIMORE OR THE MAYOR'S DESIGNEE
27 SERVING EX OFFICIO;

28 (II) ONE REPRESENTATIVE OF MORGAN STATE UNIVERSITY,
29 APPROVED BY THE BOARD OF REGENTS OF THE UNIVERSITY AND APPOINTED BY THE
30 GOVERNOR;

31 (III) FOUR REPRESENTATIVES OF AFRICAN AMERICAN HISTORICAL
32 OR CULTURAL INSTITUTIONS IN THE STATE, APPOINTED BY THE GOVERNOR; AND

33 (IV) TEN MEMBERS, APPOINTED BY THE GOVERNOR, WHO HAVE
34 EXPERTISE IN AFRICAN AMERICAN HISTORY, CULTURE, MUSEUMS, OR RELATED
35 AREAS, HAVE EXPERTISE IN FUND RAISING, OR REPRESENT THE DIVERSITY OF
36 COMMUNITIES THROUGHOUT THE STATE THAT CAN BENEFIT FROM THE ACTIVITIES
37 OF THE CORPORATION.

1 (3) THE TERM OF A MEMBER OF THE BOARD, EXCLUDING THE EX
2 OFFICIO MEMBER, IS 4 YEARS.

3 (4) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL
4 TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

5 (5) THE TERMS OF MEMBERS ARE STAGGERED.

6 (6) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
7 SUCCESSOR IS ELECTED AND QUALIFIES.

8 (7) A MEMBER WHO IS ELECTED AFTER A TERM HAS BEGUN SERVES
9 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS ELECTED AND
10 QUALIFIES.

11 (D) (1) THE BOARD SHALL ELECT ONE OF ITS MEMBERS AS CHAIRMAN, ONE
12 AS VICE CHAIRMAN, AND ONE AS TREASURER.

13 (2) NINE MEMBERS OF THE BOARD CONSTITUTE A QUORUM, BUT
14 ACTION MAY NOT BE TAKEN BY LESS THAN THE VOTE OF NINE MEMBERS.

15 (3) A VACANCY IN THE MEMBERSHIP OF THE BOARD OF DIRECTORS
16 DOES NOT IMPAIR THE RIGHT OF A QUORUM OF THE BOARD OF DIRECTORS TO
17 EXERCISE ALL RIGHTS AND PERFORM ALL THE DUTIES OF THE CORPORATION.

18 ~~20-104.~~ 20-103.

19 (A) (1) THE BOARD OF DIRECTORS SHALL APPOINT AN EXECUTIVE
20 DIRECTOR WHO SHALL SERVE AT THE PLEASURE OF THE BOARD.

21 (2) THE SALARY OF THE EXECUTIVE DIRECTOR SHALL BE DETERMINED
22 BY THE BOARD.

23 (B) (1) THE EXECUTIVE DIRECTOR SHALL BE THE CHIEF ADMINISTRATIVE
24 OFFICER FOR THE CORPORATION AND AS SUCH SHALL DIRECT AND SUPERVISE THE
25 ADMINISTRATIVE AFFAIRS AND TECHNICAL ACTIVITIES OF THE CORPORATION IN
26 ACCORDANCE WITH POLICIES AND PROCEDURES ESTABLISHED BY THE BOARD OF
27 DIRECTORS.

28 (2) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
29 DESIGNEE SHALL:

30 (I) ATTEND ALL MEETINGS OF THE BOARD OF DIRECTORS, ACT AS
31 SECRETARY TO THE BOARD, AND KEEP MINUTES OF ALL ITS PROCEEDINGS;

32 (II) APPROVE ALL ACCOUNTS FOR SALARIES, PER DIEM PAYMENTS,
33 AND ALLOWABLE EXPENSES OF THE CORPORATION OR OF ANY OF ITS EMPLOYEES
34 OR CONSULTANTS, AND ANY EXPENSES INCIDENTAL TO THE OPERATION OF THE
35 CORPORATION; AND

1 (III) PERFORM ANY OTHER DUTIES AS DIRECTED BY THE BOARD OF
2 DIRECTORS IN CARRYING OUT THE PURPOSES OF THIS SUBTITLE.

3 (C) THE BOARD OF DIRECTORS SHALL APPOINT ANY ADDITIONAL
4 PROFESSIONAL AND CLERICAL STAFF NECESSARY TO CARRY OUT THE PURPOSES OF
5 THIS SUBTITLE. THE OFFICERS OR EMPLOYEES OF THE CORPORATION ARE NOT
6 SUBJECT TO THE PROVISIONS OF DIVISION I OF THE STATE PERSONNEL AND
7 PENSIONS ARTICLE THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.

8 (D) THE ATTORNEY GENERAL SHALL PROVIDE LEGAL COUNSEL TO THE
9 CORPORATION AND LEGAL SERVICES TO THE MUSEUM.

10 (E) THE BOARD OF DIRECTORS MAY ENGAGE ANY NECESSARY ACCOUNTANTS,
11 ARCHITECTS, CONSTRUCTION EXPERTS AND PERSONNEL, ENGINEERS, LAWYERS,
12 FINANCIAL ADVISORS, OR OTHER CONSULTANTS OR AGENTS.

13 ~~20-105.~~ 20-104.

14 THE CORPORATION MAY:

15 (1) ADOPT AND ALTER AN OFFICIAL SEAL;

16 (2) SUE AND BE SUED, PLEAD AND BE IMPEADED, IN ITS OWN NAME;

17 (3) MAINTAIN OFFICES AT A PLACE OR PLACES WITHIN THE STATE THAT
18 IT DESIGNATES;

19 (4) APPOINT MUSEUM ADVISORY BOARDS AND OTHER ADVISORY
20 BOARDS AND COMMITTEES AS IT DEEMS APPROPRIATE;

21 (5) ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND THE
22 CONDUCT OF ITS BUSINESS;

23 (6) APPLY FOR AND ACCEPT ANY GRANTS, LOANS, OR ASSISTANCE OF
24 ANY CHARACTER FROM THE FEDERAL GOVERNMENT, STATE GOVERNMENT, ANY
25 LOCAL GOVERNMENT, OR ANY PRIVATE SOURCE;

26 (7) MAKE, EXECUTE, AND ENTER INTO ANY CONTRACTS OR OTHER
27 LEGAL INSTRUMENTS;

28 (8) ACQUIRE, CONSTRUCT, DEVELOP, MANAGE, MARKET,
29 RECONSTRUCT, REHABILITATE, IMPROVE, MAINTAIN, EQUIP, LEASE AS LESSOR OR
30 AS LESSEE, REPAIR, OR OPERATE ANY PROJECT WITHIN THE STATE;

31 (9) ACQUIRE, PURCHASE, HOLD, LEASE AS LESSEE, OR USE ANY
32 FRANCHISE, PATENT, OR LICENSE OR ANY PROPERTY WHETHER REAL, PERSONAL,
33 MIXED, OR TANGIBLE OR INTANGIBLE, OR ANY INTEREST IN SUCH PROPERTY,
34 NECESSARY OR CONVENIENT FOR CARRYING OUT THE PURPOSES OF THE
35 CORPORATION;

1 (10) SELL, LEASE AS LESSOR, TRANSFER, OR DISPOSE OF ANY PROPERTY
2 OR INTEREST IN PROPERTY AT ANY TIME ACQUIRED BY IT;

3 (11) ACQUIRE, EITHER DIRECTLY OR BY OR THROUGH ANY PERSON,
4 STATE AGENCY, OR POLITICAL SUBDIVISION, BY PURCHASE OR BY GIFT OR DEVISE,
5 ANY LANDS, STRUCTURES, PROPERTY, WHETHER REAL OR PERSONAL, RIGHTS,
6 RIGHTS-OF-WAY, FRANCHISES, EASEMENTS, AND OTHER INTERESTS IN LAND,
7 INCLUDING LANDS LYING UNDER WATER AND RIPARIAN RIGHTS THAT THE
8 CORPORATION CONSIDERS NECESSARY OR CONVENIENT FOR THE CONSTRUCTION,
9 IMPROVEMENT, REHABILITATION, OR OPERATION OF A PROJECT, UPON ANY TERMS
10 AND AT ANY PRICES THAT THE CORPORATION CONSIDERS TO BE REASONABLE;

11 (12) ENTER WITH THE PERMISSION OF THE OWNER ON LANDS, WATERS,
12 OR PREMISES FOR THE PURPOSE OF MAKING SURVEYS, SOUNDINGS, BORINGS, AND
13 EXAMINATIONS TO ACCOMPLISH ANY PURPOSE AUTHORIZED BY THIS SUBTITLE;

14 (13) FIX, REVISE FROM TIME TO TIME, AND COLLECT RATES, RENTALS,
15 FEES, AND CHARGES FOR THE USE OF OR FOR SERVICES AND FACILITIES PROVIDED
16 OR MADE AVAILABLE BY THE CORPORATION;

17 (14) (I) BORROW MONEY FROM ANY SOURCE FOR ANY CORPORATE
18 PURPOSE, INCLUDING WORKING CAPITAL FOR ITS OPERATIONS, RESERVE FUNDS, OR
19 INTEREST; PROVIDED, THAT NO BORROWING SHALL CREATE OR CONSTITUTE A DEBT
20 OR OBLIGATION OF THE STATE;

21 (II) MORTGAGE, PLEDGE, OR OTHERWISE ENCUMBER THE
22 PROPERTY AND FUNDS OF THE CORPORATION; AND

23 (III) CONTRACT WITH OR ENGAGE THE SERVICES OF ANY PERSON
24 FOR ANY FINANCING;

25 (15) EXERCISE ALL THE CORPORATE POWERS GRANTED MARYLAND
26 CORPORATIONS UNDER THE MARYLAND GENERAL CORPORATION LAW; AND

27 (16) DO ALL THINGS NECESSARY AND CONVENIENT TO CARRY OUT THE
28 POWERS GRANTED BY THIS SUBTITLE.

29 ~~20-106.~~ 20-105.

30 ~~THE CORPORATION SHALL:~~

31 ~~(A)~~ (A) THE PURPOSE OF THE CORPORATION IS TO PLAN, DEVELOP,
32 AND MANAGE A MARYLAND MUSEUM OF AFRICAN AMERICAN HISTORY AND
33 CULTURE IN BALTIMORE CITY, IN COOPERATION WITH AND WITH THE ACTIVE
34 SUPPORT OF THE MAYOR AND CITY COUNCIL OF BALTIMORE, AFFECTED STATE
35 AGENCIES, AND OTHER PUBLIC AND PRIVATE INSTITUTIONS;

36 (B) THE CORPORATION SHALL:

1 (2) (1) PREPARE AN OVERALL STRATEGIC PLAN AT LEAST ONCE
2 EVERY 5 YEARS THAT ESTABLISHES BOTH SHORT-RANGE AND LONG-RANGE GOALS,
3 OBJECTIVES, AND PRIORITIES FOR THE MUSEUM IN SUPPORT OF ITS MISSION;

4 (3) (2) REPORT ANNUALLY TO THE GOVERNOR AND, SUBJECT TO §
5 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY AS TO
6 THE CORPORATION'S ACTIVITIES DURING THE PRECEDING YEAR, INCLUDING:

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

9 (II) THE NUMBER OF VOLUNTEERS AND TOTAL HOURS
10 CONTRIBUTED TO THE OPERATION OF THE MUSEUM;

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

13 (IV) ANY RECOMMENDATIONS OR REQUESTS THE CORPORATION
14 CONSIDERS APPROPRIATE TO FURTHER THE MISSION OF THE MUSEUM; AND

15 (4) (3) PUBLISH REPORTS AND ANY OTHER MATERIAL IT CONSIDERS
16 NECESSARY.

17 ~~20-107.~~ 20-106.

18 EXCEPT FOR THE NET EARNINGS OF THE CORPORATION NECESSARY TO PAY
19 DEBT SERVICE OR IMPLEMENT THE ~~CORPORATIONS PROGRAM~~ CORPORATION'S
20 MUSEUM PLAN, THE NET EARNINGS OF THE CORPORATION MAY NOT INURE TO THE
21 BENEFIT OF ANY PERSON OTHER THAN THE STATE.

22 ~~20-108.~~ 20-107.

23 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
24 CORPORATION IS NOT REQUIRED TO PAY ANY TAXES OR ASSESSMENTS ON ITS
25 PROPERTIES OR ACTIVITIES OR ANY REVENUES DERIVED FROM ITS PROPERTIES OR
26 ACTIVITIES.

27 (B) IF THE CORPORATION SELLS OR LEASES LAND OR FACILITIES AS LESSOR
28 TO ANY PRIVATE ENTITY, THE LAND OR FACILITIES SHALL BE SUBJECT TO REAL
29 PROPERTY TAXES.

30 ~~20-109.~~ 20-108.

31 (A) THE BOARD OF DIRECTORS SHALL PREPARE AND IMPLEMENT AN
32 OPERATING AND A CAPITAL BUDGET FOR THE MANAGEMENT OF ITS AFFAIRS.

33 (B) THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET SUBMISSION A
34 GENERAL FUND GRANT TO THE CORPORATION.

1 (C) THE CORPORATION SHALL SUPPORT ALL OPERATING COSTS, INCLUDING
2 PERSONNEL AND RETIREMENT COSTS, FROM GENERAL FUND GRANTS, IF ANY, AND
3 ITS OTHER ~~REVENUE INCOME~~ SOURCES.

4 (D) NOTHING IN THIS SECTION MAY BE CONSTRUED TO RESTRICT THE
5 BUDGETARY POWER OF THE GENERAL ASSEMBLY.

6 ~~20-110.~~ 20-109.

7 (A) (1) THE CORPORATION MAY PROVIDE FOR THE CREATION,
8 CONTINUATION, AND ADMINISTRATION OF ANY FUNDS IT MAY REQUIRE.

9 (2) MONEYS IN THESE FUNDS AND OTHER MONEYS OF THE
10 CORPORATION SHALL BE DEPOSITED, AS DIRECTED BY THE BOARD OF DIRECTORS,
11 ~~IN ANY STATE OR NATIONAL BANK OR FEDERALLY OR STATE INSURED SAVINGS AND~~
12 ~~LOAN ASSOCIATION LOCATED IN THE STATE HAVING A TOTAL PAID-IN CAPITAL OF~~
13 ~~AT LEAST \$1,000,000. IN ANY FEDERAL OR STATE CHARTERED DEPOSITORY~~
14 INSTITUTION:

15 (I) THE DEPOSITS OF WHICH ARE INSURED BY THE FEDERAL
16 DEPOSIT INSURANCE CORPORATION;

17 (II) HAVING A BRANCH OR OFFICE IN THE STATE THAT ACCEPTS
18 DEPOSITS; AND

19 (III) HAVING A TOTAL PAID-IN CAPITAL OF AT LEAST \$10,000,000.

20 (3) ~~THE TRUST DEPARTMENT OF ANY STATE OR NATIONAL BANK OR~~
21 ~~SAVINGS AND LOAN ASSOCIATION A FEDERAL OR STATE CHARTERED TRUST~~
22 COMPANY MAY BE DESIGNATED AS A DEPOSITORY TO RECEIVE ANY SECURITIES
23 ACQUIRED OR OWNED BY THE CORPORATION.

24 (B) ANY MONEYS OF THE CORPORATION MAY BE INVESTED IN BONDS OR
25 OTHER OBLIGATIONS OF, OR GUARANTEED AS TO PRINCIPAL AND INTEREST BY, THE
26 UNITED STATES OR THE STATE OR THE STATE'S POLITICAL SUBDIVISIONS OR UNITS.

27 (C) (1) THE CORPORATION SHALL MAKE PROVISION FOR A SYSTEM OF
28 FINANCIAL ACCOUNTING, CONTROLS, AUDITS, AND REPORTS.

29 (2) THE FISCAL YEAR OF THE CORPORATION SHALL BE JULY 1 TO JUNE
30 30.

31 (D) AS SOON AS PRACTICAL AFTER THE CLOSING OF THE FISCAL YEAR, AN
32 AUDIT SHALL BE MADE OF THE FINANCIAL BOOKS, RECORDS, AND ACCOUNTS OF
33 THE CORPORATION.

34 (2) THE AUDIT SHALL BE MADE BY INDEPENDENT CERTIFIED PUBLIC
35 ACCOUNTANTS SELECTED BY THE CORPORATION.

1 (3) THE ACCOUNTANTS SHALL BE LICENSED TO PRACTICE IN THE
2 STATE AND SHALL BE EXPERIENCED AND QUALIFIED IN THE ACCOUNTING AND
3 AUDITING OF PUBLIC BODIES.

4 (4) THE ACCOUNTANTS MAY NOT HAVE A PERSONAL INTEREST EITHER
5 DIRECTLY OR INDIRECTLY IN THE FISCAL AFFAIRS OF THE CORPORATION.

6 (5) THE ACCOUNTANTS SHALL REPORT THE RESULTS OF THEIR
7 EXAMINATION, INCLUDING THEIR UNQUALIFIED OPINION ON THE PRESENTATION
8 OF THE FINANCIAL POSITION OF THE VARIOUS FUNDS AND THE RESULTS OF THE
9 CORPORATION'S FINANCIAL OPERATIONS.

10 (6) IF THE ACCOUNTANTS ARE UNABLE TO EXPRESS AN UNQUALIFIED
11 OPINION, THEY SHALL STATE AND EXPLAIN IN DETAIL THE REASONS FOR THEIR
12 QUALIFICATIONS, DISCLAIMER, OR OPINION, INCLUDING RECOMMENDATIONS
13 NECESSARY TO MAKE POSSIBLE FUTURE UNQUALIFIED OPINIONS.

14 (E) THE BOOKS, RECORDS, AND ACCOUNTS OF THE CORPORATION ARE
15 SUBJECT TO AUDIT BY THE STATE.

16 (F) WITHIN THE FIRST 90 DAYS OF EACH FISCAL YEAR, THE CORPORATION
17 SHALL MAKE A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
18 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

19 (G) EACH REPORT SUBMITTED IN ACCORDANCE WITH SUBSECTION (F) OF
20 THIS SECTION SHALL:

21 (1) SET FORTH A COMPLETE OPERATING AND FINANCIAL STATEMENT
22 COVERING ITS OPERATIONS DURING THE PRECEDING FISCAL YEAR; AND

23 (2) SUMMARIZE THE CORPORATION'S ACTIVITIES DURING THE
24 PRECEDING FISCAL YEAR.

25 ~~20-111.~~ 20-110.

26 (A) ~~FOR PURPOSES OF APPLYING FOR, RECEIVING, AND ENTERING INTO~~
27 ~~AGREEMENTS IN CONNECTION WITH LOANS, GRANTS, INSURANCE, OR OTHER~~
28 ~~FORMS OF FINANCIAL ASSISTANCE, THE CORPORATION IS:~~

29 (1) ~~A PUBLIC BODY WITHIN THE MEANING OF THE MARYLAND~~
30 ~~INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY ACT; AND~~

31 (2) ~~A POLITICAL SUBDIVISION WITHIN THE MEANING OF THE~~
32 ~~MARYLAND INDUSTRIAL LAND ACT AND THE MARYLAND INDUSTRIAL AND~~
33 ~~COMMERCIAL REDEVELOPMENT FUND ACT.~~

34 (B) ~~THE PROVISIONS OF ARTICLE 83A, §§ 5-712, 5-713, AND 5-803(C)(2)(IV) OF~~
35 ~~THE CODE DO NOT APPLY TO THE CORPORATION WHEN IT IS RECEIVING FINANCIAL~~
36 ~~ASSISTANCE AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION.~~

1 (A) ALL DEBTS, CLAIMS, OBLIGATIONS, AND LIABILITIES OF THE
2 CORPORATION, WHENEVER INCURRED, SHALL BE THE DEBTS, CLAIMS,
3 OBLIGATIONS, AND LIABILITIES OF THE CORPORATION ONLY AND NOT OF THE
4 STATE, OR UNITS OF STATE GOVERNMENT, STATE INSTRUMENTALITIES, OFFICERS,
5 OR EMPLOYERS.

6 (B) THE DEBTS, CLAIMS, OBLIGATIONS, AND LIABILITIES OF THE
7 CORPORATION MAY NOT BE CONSIDERED A DEBT, CLAIM, OBLIGATION, OR LIABILITY
8 OF THE STATE OR A PLEDGE OF ITS FULL FAITH AND CREDIT.

9 ~~20-112~~; 20-111.

10 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE CORPORATION
11 IS EXEMPT FROM THE PROVISIONS OF:

12 (1) TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE;

13 (2) TITLE 2, SUBTITLES 2, 4, AND 6, AND § 2-105 OF THE STATE FINANCE
14 AND PROCUREMENT ARTICLE;

15 (3) TITLE 3, § 2-510 OF THE STATE FINANCE AND PROCUREMENT
16 ARTICLE;

17 (4) TITLE 4, SUBTITLES 2 THROUGH 7 OF THE STATE FINANCE AND
18 PROCUREMENT ARTICLE;

19 (5) TITLE 6, SUBTITLE 1, OF THE STATE FINANCE AND PROCUREMENT
20 ARTICLE;

21 (6) TITLE 7, SUBTITLES 1 THROUGH 3 OF THE STATE FINANCE AND
22 PROCUREMENT ARTICLE;

23 (7) TITLE 8, SUBTITLE 1, OF THE STATE FINANCE AND PROCUREMENT
24 ARTICLE; AND

25 (8) DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

26 (B) THE CORPORATION MAY CARRY OUT ITS CORPORATE PURPOSES WITHOUT
27 OBTAINING THE CONSENT OF ANY DEPARTMENT, BOARD, OR AGENCY OF THE STATE.

28 (C) THE CORPORATION AND ITS OFFICERS AND EMPLOYEES ARE SUBJECT TO
29 THE PUBLIC ETHICS LAW AND THE STATE MINORITY BUSINESS ENTERPRISE LAWS,
30 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE.

31 (D) THE CORPORATION IS SUBJECT TO STATE AND LOCAL REGULATORY
32 REQUIREMENTS TO WHICH A PRIVATE CORPORATION WOULD BE SUBJECT, AND THE
33 PROJECTS OF THE CORPORATION ARE SUBJECT TO ZONING AND SUBDIVISION
34 REGULATIONS OF THE JURISDICTIONS IN WHICH PROJECTS ARE LOCATED.

1 ~~20-113.~~ 20-112.

2 THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO EFFECT ITS PURPOSES.

3 ~~20-114.~~ 20-113.

4 THIS SUBTITLE MAY BE CITED AS THE MARYLAND AFRICAN AMERICAN
5 MUSEUM CORPORATION ACT.

6 **Article - State Personnel and Pensions**

7 31-106.1.

8 THE ONLY EMPLOYEES OF THE MARYLAND AFRICAN AMERICAN MUSEUM
9 CORPORATION WHO ARE ELIGIBLE TO PARTICIPATE IN THE EMPLOYEES' PENSION
10 SYSTEM UNDER THIS SUBTITLE ARE THE EXECUTIVE DIRECTOR AND THE REGULAR
11 FULL-TIME EMPLOYEES EMPLOYED BY THE MARYLAND AFRICAN AMERICAN
12 MUSEUM CORPORATION UNDER ARTICLE 41, § 20-104(C) OF THE CODE.

13 SECTION 2. AND BE IT FURTHER ENACTED, That until July 1, 2001, two
14 of the members of the Board of Directors of the Maryland African American Museum
15 Corporation representing African American historical or cultural institutions in the
16 State shall be representatives of the Maryland Commission on African American
17 History and Culture.

18 SECTION 3. AND BE IT FURTHER ENACTED, That of the individuals
19 initially appointed by the Governor to the Board of Directors, except for members
20 serving on the Board ex officio, 5 members shall have a term of 2 years, 5 members
21 shall have a term of 3 years, and 5 members shall have a term of 4 years.

22 SECTION 4. AND BE IT FURTHER ENACTED, That the General Assembly
23 finds that the Commission on African American History and Culture, established
24 under Article 83B, Title 5, Subtitle 3 of the Code, has indicated its full support of the
25 creation of the Corporation to establish the Maryland Museum of African American
26 History and Culture in Baltimore City.

27 SECTION 5. AND BE IT FURTHER ENACTED, That this Act does not
28 supplant the powers and authority of the Commission on African American History
29 and Culture to carry out its statutory duties and statewide mandates, or affect the
30 status of the Banneker-Douglass Museum, under Article 83B, Title 5, Subtitle 3 of
31 the Code. This Act does not replace the Banneker-Douglass Museum as the official
32 repository of African-American history and culture for the State of Maryland.

33 SECTION 4. ~~6.~~ AND BE IT FURTHER ENACTED, That if any provision of
34 this Act or the application thereof to any person or circumstance is held invalid for
35 any reason in a court of competent jurisdiction, the invalidity does not affect other
36 provisions or any other application of this Act which can be given effect without the
37 invalid provision or application, and for this purpose the provisions of this Act are
38 declared severable.

1 SECTION ~~5.~~ 7. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect July 1, 1998.