

SENATE BILL 716

Unofficial Copy
P1

1998 Regular Session
(8lr2555)

ENROLLED BILL
-- Finance/Economic Matters --

Introduced by ~~Senators Blount, McFadden, and Astle~~ **Senators Blount, McFadden, and Della**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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~~ *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~~ *include in a certain budget submission certain* grants to the
11 Corporation ~~to support operating expenses; providing for a depository and for~~
12 ~~investment of Corporation funds;~~ *providing for the deposit of certain funds and*
13 *moneys; providing that certain trust companies may be designated as repositories*
14 *for certain securities*; stating the applicability of certain State and local laws,
15 regulations, or approvals to the activities of the Corporation; providing that,
16 subject to certain exceptions, the Corporation is exempt from State or local
17 taxation or assessments; requiring the ~~corporation~~ *Corporation* to comply with

1 certain public ethics and minority business enterprise laws; authorizing certain
 2 employees of the Corporation to participate in the Employees' Retirement
 3 System of the State of Maryland; requiring certain audits and reports; providing
 4 for the severability of this Act; providing for the termination of the Maryland
 5 Museum of African American History and Culture Commission; and generally
 6 relating to the creation, organization, powers, and limitations of the Maryland
 7 African American Museum Corporation recognizing certain support for the
 8 Maryland African American Museum Corporation to establish a certain
 9 museum; providing that this Act does not supplant certain powers and authority
 10 of a certain other Commission and the status of a certain other museum;
 11 providing that this Act does not replace a certain other museum as the official
 12 repository of the State for certain purposes; and generally relating to the
 13 Maryland African American Museum Corporation, the Maryland Museum of
 14 African American History and Culture Commission, the Commission on African
 15 American History and Culture, and African American history and culture in the
 16 State.

17 BY adding to

18 Article 41 - Governor - Executive and Administrative Departments
 19 Section 20-101 through ~~20-114~~, 20-113, inclusive, to be under the new title and
 20 subtitle "Title 20. Statewide Cultural Programs" and "Subtitle 1. Maryland
 21 African American Museum Corporation"
 22 Annotated Code of Maryland
 23 (1997 Replacement Volume and 1997 Supplement)

24 BY adding to

25 Article - State Personnel and Pensions
 26 Section ~~31-102(xxii)~~ 31-102(2)(xxii) and 31-106.1
 27 Annotated Code of Maryland
 28 (1997 Replacement Volume)

29 BY repealing and reenacting, with amendments,

30 Article - State Personnel and Pensions
 31 Section ~~31-102(xx)~~ 31-102(2)(xx) and (xxi)
 32 Annotated Code of Maryland
 33 (1997 Replacement Volume)

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

Article 41 - Governor - Executive and Administrative Departments

TITLE 20. STATEWIDE CULTURAL PROGRAMS.

SUBTITLE 1. MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION.

20-101.

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

~~20-102.~~

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

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

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

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

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

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

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

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

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

4 (2) THE EXERCISE BY THE CORPORATION OF THE POWERS CONFERRED
5 BY THIS SUBTITLE IS DEEMED TO BE THE PERFORMANCE OF AN ESSENTIAL PUBLIC
6 FUNCTION.

7 (C) (1) THE BOARD OF DIRECTORS OF THE CORPORATION SHALL MANAGE
8 THE AFFAIRS OF THE CORPORATION AND SHALL EXERCISE ALL OF ITS CORPORATE
9 POWERS.

10 (2) THE BOARD OF DIRECTORS SHALL CONSIST OF ~~46~~ 32 MEMBERS, AS
11 FOLLOWS:

12 (I) THE MAYOR OF BALTIMORE OR THE MAYOR'S DESIGNEE
13 SERVING EX OFFICIO;

14 (II) ONE REPRESENTATIVE OF MORGAN STATE UNIVERSITY,
15 APPROVED BY THE BOARD OF REGENTS OF THE UNIVERSITY AND APPOINTED BY THE
16 GOVERNOR;

17 (III) THE CHAIRMAN OF THE COMMISSION ON AFRICAN AMERICAN
18 HISTORY AND CULTURE OR THE CHAIRMAN'S DESIGNEE, AND TWO OTHER
19 COMMISSION MEMBERS APPROVED BY THE COMMISSION, ALL APPOINTED BY THE
20 GOVERNOR, IN ORDER TO PROVIDE CONTINUING COORDINATION AND COOPERATION
21 BETWEEN THE CORPORATION AND THE COMMISSION AND TO ASSURE CONSISTENCY
22 WITH THE STATEWIDE PROGRAMS AND MANDATES OF THE COMMISSION;

23 ~~(III)~~ (IV) FOUR REPRESENTATIVES OF AFRICAN AMERICAN
24 HISTORICAL OR CULTURAL INSTITUTIONS IN THE STATE, APPOINTED BY THE
25 GOVERNOR; AND

26 ~~(IV)~~ (V) TEN TWENTY-THREE MEMBERS, APPOINTED BY THE
27 GOVERNOR, WHO HAVE EXPERTISE IN AFRICAN AMERICAN HISTORY, CULTURE,
28 MUSEUMS, OR RELATED AREAS, HAVE EXPERTISE IN FUND RAISING, OR REPRESENT
29 THE DIVERSITY OF COMMUNITIES THROUGHOUT THE STATE THAT CAN BENEFIT
30 FROM THE ACTIVITIES OF THE CORPORATION.

31 (3) THE MEMBERS APPOINTED TO THE BOARD SHALL REPRESENT THE
32 GEOGRAPHIC MAKEUP OF THE STATE, AND SHALL BE RACIALLY AND ETHNICALLY
33 DIVERSE.

34 (4) THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT
35 COMPENSATION.

36 ~~(5)~~ (5) THE TERM OF A MEMBER OF THE BOARD, EXCLUDING THE EX
37 OFFICIO MEMBER, IS 4 YEARS.

1 ~~(4)~~ (6) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD
2 SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND
3 CONSTITUTION.

4 ~~(5)~~ (7) THE TERMS OF MEMBERS ARE STAGGERED.

5 ~~(6)~~ (8) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
6 UNTIL A SUCCESSOR IS ~~ELECTED~~ APPOINTED AND QUALIFIES.

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

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

12 (2) NINE SEVENTEEN MEMBERS OF THE BOARD CONSTITUTE A
13 QUORUM, BUT ACTION MAY NOT BE TAKEN BY LESS THAN THE VOTE OF NINE
14 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 (4) THE BOARD SHALL APPOINT AN EXECUTIVE COMMITTEE AND MAY
19 APPOINT SUCH OTHER COMMITTEES AS THE BOARD DEEMS NECESSARY OR
20 DESIRABLE.

21 ~~20-104.~~ 20-103.

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

24 (2) THE SALARY OF THE EXECUTIVE DIRECTOR SHALL BE DETERMINED
25 BY THE BOARD.

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

31 (2) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
32 DESIGNEE SHALL:

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

35 (II) APPROVE ALL ACCOUNTS FOR SALARIES, PER DIEM PAYMENTS,
36 AND ALLOWABLE EXPENSES OF THE CORPORATION OR OF ANY OF ITS EMPLOYEES

1 OR CONSULTANTS, AND ANY EXPENSES INCIDENTAL TO THE OPERATION OF THE
2 CORPORATION; AND

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

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

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

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

15 ~~20-105.~~ 20-104.

16 THE CORPORATION MAY:

17 (1) ADOPT AND ALTER AN OFFICIAL SEAL;

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

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

21 (4) APPOINT MUSEUM ADVISORY BOARDS AND OTHER ADVISORY
22 BOARDS AND COMMITTEES AS IT DEEMS APPROPRIATE;

23 (5) ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND THE
24 CONDUCT OF ITS BUSINESS;

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

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

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

33 (9) ACQUIRE, PURCHASE, HOLD, LEASE AS LESSEE, OR USE ANY
34 FRANCHISE, PATENT, OR LICENSE OR ANY PROPERTY WHETHER REAL, PERSONAL,
35 MIXED, OR TANGIBLE OR INTANGIBLE, OR ANY INTEREST IN SUCH PROPERTY,

1 NECESSARY OR CONVENIENT FOR CARRYING OUT THE PURPOSES OF THE
2 CORPORATION;

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

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

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

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

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

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

25 (III) CONTRACT WITH OR ENGAGE THE SERVICES OF ANY PERSON
26 FOR ANY FINANCING;

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

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

31 ~~20-106. 20-105.~~

32 ~~THE CORPORATION SHALL:~~

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

1 (B) THE CORPORATION SHALL:

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

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

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

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

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

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

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

18 ~~20-107.~~ 20-106.

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

24 ~~20-108.~~ 20-107.

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

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

32 ~~20-109.~~ 21-108.

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

35 (B) THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET SUBMISSION A
36 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 PLUS SURPLUS OF AT LEAST
20 \$6,000,000.

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

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

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

30 (2) THE FISCAL YEAR OF THE CORPORATION SHALL BE JULY 1 TO JUNE
31 30.

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

35 (2) THE AUDIT SHALL BE MADE BY INDEPENDENT CERTIFIED PUBLIC
36 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 OF THE 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, UNITS OF STATE GOVERNMENT, STATE INSTRUMENTALITIES, OFFICERS, OR
5 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 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 31-102.

8 Subject to § 22-202(b) of this article, the governmental units that are eligible to
9 participate in the employees' systems are:

10 (2) the following governmental units:

11 (xx) subject to § 31-107 of this subtitle, the University of Maryland
12 Medical System Corporation; [and]

13 (xxi) the Upper Potomac River Commission[.]; AND

14 (XXII) SUBJECT TO § 31-106.1 OF THIS SUBTITLE, THE MARYLAND
15 AFRICAN AMERICAN MUSEUM CORPORATION.

16 31-106.1.

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

22 ~~SECTION 2. AND BE IT FURTHER ENACTED, That until July 1, 2001, two~~
23 ~~of the members of the Board of Directors of the Maryland African American Museum~~
24 ~~Corporation representing African American historical or cultural institutions in the~~
25 ~~State shall be representatives of the Maryland Commission on African American~~
26 ~~History and Culture.~~

27 SECTION 2. AND BE IT FURTHER ENACTED, That the members of the
28 Maryland Museum of African American History and Culture Commission created by
29 Executive Order 01.01.1994.23, serving as of July 1, 1998, who have expertise in
30 African American history, culture, museums, or related areas, shall be appointed as
31 members of the Board of Directors of the Maryland African American Museum
32 Corporation, subject to their consent.

33 SECTION 3. AND BE IT FURTHER ENACTED, That of the individuals
34 initially appointed by the Governor to the Board of Directors, except for ~~members~~ any
35 member serving on the Board ex officio, § 10 members shall have a term of 2 years, §

1 10 members shall have a term of 3 years, and ~~5~~ 11 members shall have a term of 4
2 years.

3 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any
4 other provision of this Act, the Chairman of the Maryland Museum of African
5 American History and Culture Commission shall serve as the initial Chairman of the
6 Board of Directors.

7 SECTION 5. AND BE IT FURTHER ENACTED, That the Maryland Museum of
8 African American History and Culture Commission shall terminate upon
9 appointment and qualification of its consenting members to the Board of Directors,
10 but in any case no later than October 1, 1998.

11 SECTION 6. AND BE IT FURTHER ENACTED, That the General Assembly
12 finds that the Commission on African American History and Culture, established
13 under Article 83B, Title 5, Subtitle 3 of the Code, has indicated its full support of the
14 creation of the Maryland African American Museum Corporation to establish the
15 Maryland Museum of African American History and Culture in Baltimore City.

16 SECTION 7. AND BE IT FURTHER ENACTED, That this Act does not
17 supplant the powers and authority of the Commission on African American History
18 and Culture to carry out its statutory duties and statewide mandates, or affect the
19 status of the Banneker-Douglass Museum, under Article 83B, Title 5, Subtitle 3 of the
20 Code. This Act does not replace the Banneker-Douglass Museum as the official
21 repository of African American history and culture for the State of Maryland.

22 SECTION 4. ~~6.~~ 8. AND BE IT FURTHER ENACTED, That if any provision of
23 this Act or the application thereof to any person or circumstance is held invalid for
24 any reason in a court of competent jurisdiction, the invalidity does not affect other
25 provisions or any other application of this Act which can be given effect without the
26 invalid provision or application, and for this purpose the provisions of this Act are
27 declared severable.

28 SECTION 5. ~~7.~~ 9. AND BE IT FURTHER ENACTED, That this Act shall take
29 effect July 1, 1998.