

SENATE BILL 716

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P1

1998 Regular Session
8lr2555
CF 8lr2546

By: **Senators Blount, McFadden, and Astle**
Introduced and read first time: February 18, 1998
Assigned to: Rules

A BILL ENTITLED

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 purposes; defining certain terms;
6 providing for the appointment of a Board of Directors with certain qualifications
7 and for a certain term; providing for an Executive Director with certain duties;
8 authorizing the Corporation to exercise certain corporate powers and duties;
9 authorizing the Governor to provide State grants to the Corporation to support
10 operating expenses; providing for a depository and for investment of Corporation
11 funds; stating the applicability of certain State and local laws, regulations, or
12 approvals to the activities of the Corporation; providing that, subject to certain
13 exceptions, the Corporation is exempt from State or local taxation or
14 assessments; requiring the corporation to comply with certain public ethics and
15 minority business enterprise laws; authorizing certain employees of the
16 Corporation to participate in the Employees' Retirement System of the State of
17 Maryland; requiring certain audits and reports; and generally relating to the
18 creation, organization, powers, and limitations of the Maryland African
19 American Museum Corporation.

20 BY adding to
21 Article 41 - Governor - Executive and Administrative Departments
22 Section 20-101 through 20-114, inclusive, to be under the new title and subtitle
23 "Title 20. Statewide Cultural Programs" and "Subtitle 1. Maryland African
24 American Museum Corporation"
25 Annotated Code of Maryland
26 (1997 Replacement Volume and 1997 Supplement)

27 BY adding to
28 Article - State Personnel and Pensions
29 Section 31-106.1
30 Annotated Code of Maryland
31 (1997 Replacement Volume)

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

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

4 TITLE 20. STATEWIDE CULTURAL PROGRAMS.

5 SUBTITLE 1. MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION.

6 20-101.

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

9 20-102.

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

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

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

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

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

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

1 20-103.

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

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

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

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

12 (2) THE BOARD OF DIRECTORS SHALL CONSIST OF 16 MEMBERS, AS
13 FOLLOWS:

14 (I) THE MAYOR OF BALTIMORE OR THE MAYOR'S DESIGNEE
15 SERVING EX OFFICIO;

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

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

21 (IV) TEN MEMBERS, APPOINTED BY THE GOVERNOR, WHO HAVE
22 EXPERTISE IN AFRICAN AMERICAN HISTORY, CULTURE, MUSEUMS, OR RELATED
23 AREAS, HAVE EXPERTISE IN FUND RAISING, OR REPRESENT THE DIVERSITY OF
24 COMMUNITIES THROUGHOUT THE STATE THAT CAN BENEFIT FROM THE ACTIVITIES
25 OF THE CORPORATION.

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

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

30 (5) THE TERMS OF MEMBERS ARE STAGGERED.

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

33 (7) A MEMBER WHO IS ELECTED AFTER A TERM HAS BEGUN SERVES
34 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS ELECTED AND
35 QUALIFIES.

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

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

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

8 20-104.

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

11 (2) THE SALARY OF THE EXECUTIVE DIRECTOR SHALL BE DETERMINED
12 BY THE BOARD.

13 (B) (1) THE EXECUTIVE DIRECTOR SHALL BE THE CHIEF ADMINISTRATIVE
14 OFFICER FOR THE CORPORATION AND AS SUCH SHALL DIRECT AND SUPERVISE THE
15 ADMINISTRATIVE AFFAIRS AND TECHNICAL ACTIVITIES OF THE CORPORATION IN
16 ACCORDANCE WITH POLICIES AND PROCEDURES ESTABLISHED BY THE BOARD OF
17 DIRECTORS.

18 (2) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
19 DESIGNEE SHALL:

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

22 (II) APPROVE ALL ACCOUNTS FOR SALARIES, PER DIEM PAYMENTS,
23 AND ALLOWABLE EXPENSES OF THE CORPORATION OR OF ANY OF ITS EMPLOYEES
24 OR CONSULTANTS, AND ANY EXPENSES INCIDENTAL TO THE OPERATION OF THE
25 CORPORATION; AND

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

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

33 (D) THE ATTORNEY GENERAL SHALL PROVIDE LEGAL COUNSEL AND LEGAL
34 SERVICES TO THE MUSEUM.

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

1 20-105.

2 THE CORPORATION MAY:

3 (1) ADOPT AND ALTER AN OFFICIAL SEAL;

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

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

7 (4) APPOINT MUSEUM ADVISORY BOARDS AND OTHER ADVISORY
8 BOARDS AND COMMITTEES AS IT DEEMS APPROPRIATE;

9 (5) ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND THE
10 CONDUCT OF ITS BUSINESS;

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

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

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

19 (9) ACQUIRE, PURCHASE, HOLD, LEASE AS LESSEE, OR USE ANY
20 FRANCHISE, PATENT, OR LICENSE OR ANY PROPERTY WHETHER REAL, PERSONAL,
21 MIXED, OR TANGIBLE OR INTANGIBLE, OR ANY INTEREST IN SUCH PROPERTY,
22 NECESSARY OR CONVENIENT FOR CARRYING OUT THE PURPOSES OF THE
23 CORPORATION;

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

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

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

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

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

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

10 (III) CONTRACT WITH OR ENGAGE THE SERVICES OF ANY PERSON
11 FOR ANY FINANCING;

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

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

16 20-106.

17 THE CORPORATION SHALL:

18 (1) PLAN, DEVELOP, AND MANAGE A MARYLAND MUSEUM OF AFRICAN
19 AMERICAN HISTORY AND CULTURE IN BALTIMORE CITY, IN COOPERATION WITH AND
20 WITH THE ACTIVE SUPPORT OF THE MAYOR AND CITY COUNCIL OF BALTIMORE,
21 AFFECTED STATE AGENCIES, AND OTHER PUBLIC AND PRIVATE INSTITUTIONS;

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

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

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

30 (II) THE NUMBER OF VOLUNTEERS AND TOTAL HOURS
31 CONTRIBUTED TO THE OPERATION OF THE MUSEUM;

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

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

1 (4) PUBLISH REPORTS AND ANY OTHER MATERIAL IT CONSIDERS
2 NECESSARY.

3 20-107.

4 EXCEPT FOR THE NET EARNINGS OF THE CORPORATION NECESSARY TO PAY
5 DEBT SERVICE OR IMPLEMENT THE CORPORATIONS PROGRAM, THE NET EARNINGS
6 OF THE CORPORATION MAY NOT INURE TO THE BENEFIT OF ANY PERSON OTHER
7 THAN THE STATE.

8 20-108.

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

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

16 20-109.

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

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

21 (C) THE CORPORATION SHALL SUPPORT ALL OPERATING COSTS, INCLUDING
22 PERSONNEL AND RETIREMENT COSTS, FROM GENERAL FUND GRANTS, IF ANY, AND
23 ITS OTHER REVENUE SOURCES.

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

26 20-110.

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

29 (2) MONEYS IN THESE FUNDS AND OTHER MONEYS OF THE
30 CORPORATION SHALL BE DEPOSITED, AS DIRECTED BY THE BOARD OF DIRECTORS,
31 IN ANY STATE OR NATIONAL BANK OR FEDERALLY OR STATE INSURED SAVINGS AND
32 LOAN ASSOCIATION LOCATED IN THE STATE HAVING A TOTAL PAID-IN CAPITAL OF
33 AT LEAST \$1,000,000.

34 (3) THE TRUST DEPARTMENT OF ANY STATE OR NATIONAL BANK OR
35 SAVINGS AND LOAN ASSOCIATION MAY BE DESIGNATED AS A DEPOSITORY TO
36 RECEIVE ANY SECURITIES ACQUIRED OR OWNED BY THE CORPORATION.

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

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

6 (2) THE FISCAL YEAR OF THE CORPORATION SHALL BE JULY 1 TO JUNE
7 30.

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

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

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

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

18 (5) THE ACCOUNTANTS SHALL REPORT THE RESULTS OF THEIR
19 EXAMINATION, INCLUDING THEIR UNQUALIFIED OPINION ON THE PRESENTATION
20 OF THE FINANCIAL POSITION OF THE VARIOUS FUNDS AND THE RESULTS OF THE
21 CORPORATION'S FINANCIAL OPERATIONS.

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

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

28 (F) WITHIN THE FIRST 90 DAYS OF EACH FISCAL YEAR, THE CORPORATION
29 SHALL MAKE A REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
30 GOVERNMENT ARTICLE, EACH REPORT SHALL:

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

33 (2) SUMMARIZE THE CORPORATION'S ACTIVITIES DURING THE
34 PRECEDING FISCAL YEAR.

1 20-111.

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

5 (1) A PUBLIC BODY WITHIN THE MEANING OF THE MARYLAND
6 INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY ACT; AND

7 (2) A POLITICAL SUBDIVISION WITHIN THE MEANING OF THE
8 MARYLAND INDUSTRIAL LAND ACT AND THE MARYLAND INDUSTRIAL AND
9 COMMERCIAL REDEVELOPMENT FUND ACT.

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

13 20-112.

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

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

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

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

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

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

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

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

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

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

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

1 (D) THE CORPORATION IS SUBJECT TO STATE AND LOCAL REGULATORY
2 REQUIREMENTS TO WHICH A PRIVATE CORPORATION WOULD BE SUBJECT, AND THE
3 PROJECTS OF THE CORPORATION ARE SUBJECT TO ZONING AND SUBDIVISION
4 REGULATIONS OF THE JURISDICTIONS IN WHICH PROJECTS ARE LOCATED.

5 20-113.

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

7 20-114.

8 THIS SUBTITLE MAY BE CITED AS THE MARYLAND AFRICAN AMERICAN
9 MUSEUM CORPORATION ACT.

10 **Article - State Personnel and Pensions**

11 31-106.1.

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

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

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

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

32 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take
33 effect July 1, 1998.