

SENATE BILL 716

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P1

1998 Regular Session
8lr2555
CF 8lr2546

By: **Senators Blount, McFadden, and Astle Astle, and Della**

Introduced and read first time: February 18, 1998

Assigned to: Rules

Re-referred to: Finance, February 25, 1998

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 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 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; providing for the severability of
18 this Act; providing for the termination of the Maryland Museum of African
19 American History and Culture Commission; and generally relating to the
20 creation, organization, powers, and limitations of the Maryland African
21 American Museum Corporation.

22 BY adding to

23 Article 41 - Governor - Executive and Administrative Departments

24 Section 20-101 through 20-114, inclusive, to be under the new title and subtitle

25 "Title 20. Statewide Cultural Programs" and "Subtitle 1. Maryland African

26 American Museum Corporation"

1 Annotated Code of Maryland
2 (1997 Replacement Volume and 1997 Supplement)

3 BY adding to
4 Article - State Personnel and Pensions
5 Section 31-102(xxii) and 31-106.1
6 Annotated Code of Maryland
7 (1997 Replacement Volume)

8 BY repealing and reenacting, with amendments,
9 Article - State Personnel and Pensions
10 Section 31-102(xx) and (xxi)
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.

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 ~~46~~ 32 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) THE CHAIRMAN OF THE COMMISSION ON AFRICAN AMERICAN
32 HISTORY AND CULTURE OR THE CHAIRMAN'S DESIGNEE, AND TWO OTHER
33 COMMISSION MEMBERS APPROVED BY THE COMMISSION, ALL APPOINTED BY THE
34 GOVERNOR, IN ORDER TO PROVIDE CONTINUING COORDINATION AND COOPERATION
35 BETWEEN THE CORPORATION AND THE COMMISSION AND TO ASSURE CONSISTENCY
36 WITH THE STATEWIDE PROGRAMS AND MANDATES OF THE COMMISSION;

37 ~~(III)~~ (IV) FOUR REPRESENTATIVES OF AFRICAN AMERICAN
38 HISTORICAL OR CULTURAL INSTITUTIONS IN THE STATE, APPOINTED BY THE
39 GOVERNOR; AND

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

6 (3) THE MEMBERS APPOINTED TO THE BOARD SHALL REPRESENT THE
7 GEOGRAPHIC MAKEUP OF THE STATE, AND SHALL BE RACIALLY AND ETHNICALLY
8 DIVERSE.

9 (4) THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT
10 COMPENSATION.

11 ~~(3)~~ (5) THE TERM OF A MEMBER OF THE BOARD, EXCLUDING THE EX
12 OFFICIO MEMBER, IS 4 YEARS.

13 ~~(4)~~ (6) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD
14 SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND
15 CONSTITUTION.

16 ~~(5)~~ (7) THE TERMS OF MEMBERS ARE STAGGERED.

17 ~~(6)~~ (8) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
18 UNTIL A SUCCESSOR IS ~~ELECTED~~ APPOINTED AND QUALIFIES.

19 ~~(7)~~ (9) A MEMBER WHO IS ~~ELECTED~~ APPOINTED AFTER A TERM HAS
20 BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR
21 IS ~~ELECTED~~ APPOINTED AND QUALIFIES.

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

24 (2) ~~NINE~~ SEVENTEEN MEMBERS OF THE BOARD CONSTITUTE A
25 QUORUM, BUT ACTION MAY NOT BE TAKEN BY LESS THAN THE VOTE OF NINE
26 MEMBERS.

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

30 (4) THE BOARD SHALL APPOINT AN EXECUTIVE COMMITTEE AND MAY
31 APPOINT SUCH OTHER COMMITTEES AS THE BOARD DEEMS NECESSARY OR
32 DESIRABLE.

33 20-104.

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

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

3 (B) (1) THE EXECUTIVE DIRECTOR SHALL BE THE CHIEF ADMINISTRATIVE
4 OFFICER FOR THE CORPORATION AND AS SUCH SHALL DIRECT AND SUPERVISE THE
5 ADMINISTRATIVE AFFAIRS AND TECHNICAL ACTIVITIES OF THE CORPORATION IN
6 ACCORDANCE WITH POLICIES AND PROCEDURES ESTABLISHED BY THE BOARD OF
7 DIRECTORS.

8 (2) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S
9 DESIGNEE SHALL:

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

12 (II) APPROVE ALL ACCOUNTS FOR SALARIES, PER DIEM PAYMENTS,
13 AND ALLOWABLE EXPENSES OF THE CORPORATION OR OF ANY OF ITS EMPLOYEES
14 OR CONSULTANTS, AND ANY EXPENSES INCIDENTAL TO THE OPERATION OF THE
15 CORPORATION; AND

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

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

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

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

28 20-105.

29 THE CORPORATION MAY:

30 (1) ADOPT AND ALTER AN OFFICIAL SEAL;

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

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

34 (4) APPOINT MUSEUM ADVISORY BOARDS AND OTHER ADVISORY
35 BOARDS AND COMMITTEES AS IT DEEMS APPROPRIATE;

1 (5) ADOPT BYLAWS FOR THE REGULATION OF ITS AFFAIRS AND THE
2 CONDUCT OF ITS BUSINESS;

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

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

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

11 (9) ACQUIRE, PURCHASE, HOLD, LEASE AS LESSEE, OR USE ANY
12 FRANCHISE, PATENT, OR LICENSE OR ANY PROPERTY WHETHER REAL, PERSONAL,
13 MIXED, OR TANGIBLE OR INTANGIBLE, OR ANY INTEREST IN SUCH PROPERTY,
14 NECESSARY OR CONVENIENT FOR CARRYING OUT THE PURPOSES OF THE
15 CORPORATION;

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

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

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

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

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

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

38 (III) CONTRACT WITH OR ENGAGE THE SERVICES OF ANY PERSON
39 FOR ANY FINANCING;

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

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

5 20-106.

6 THE CORPORATION SHALL:

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

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

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

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

19 (II) THE NUMBER OF VOLUNTEERS AND TOTAL HOURS
20 CONTRIBUTED TO THE OPERATION OF THE MUSEUM;

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

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

25 (4) PUBLISH REPORTS AND ANY OTHER MATERIAL IT CONSIDERS
26 NECESSARY.

27 20-107.

28 EXCEPT FOR THE NET EARNINGS OF THE CORPORATION NECESSARY TO PAY
29 DEBT SERVICE OR IMPLEMENT THE ~~CORPORATIONS PROGRAM~~ CORPORATION'S
30 ~~PROGRAMS~~, THE NET EARNINGS OF THE CORPORATION MAY NOT INURE TO THE
31 BENEFIT OF ANY PERSON OTHER THAN THE STATE.

32 20-108.

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

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

4 20-109.

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

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

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

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

14 20-110.

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

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

22 (3) THE TRUST DEPARTMENT OF ANY STATE OR NATIONAL BANK OR
23 SAVINGS AND LOAN ASSOCIATION MAY BE DESIGNATED AS A DEPOSITORY TO
24 RECEIVE ANY SECURITIES 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, EACH REPORT SHALL:

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

21 (2) SUMMARIZE THE CORPORATION'S ACTIVITIES DURING THE
22 PRECEDING FISCAL YEAR.

23 20-111.

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

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

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

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

1 20-112.

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

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

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

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

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

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

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

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

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

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

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

23 (D) THE CORPORATION IS SUBJECT TO STATE AND LOCAL REGULATORY
24 REQUIREMENTS TO WHICH A PRIVATE CORPORATION WOULD BE SUBJECT, AND THE
25 PROJECTS OF THE CORPORATION ARE SUBJECT TO ZONING AND SUBDIVISION
26 REGULATIONS OF THE JURISDICTIONS IN WHICH PROJECTS ARE LOCATED.

27 20-113.

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

29 20-114.

30 THIS SUBTITLE MAY BE CITED AS THE MARYLAND AFRICAN AMERICAN
31 MUSEUM CORPORATION ACT.

1 **Article - State Personnel and Pensions**

2 31-102.

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

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

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

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

10 31-106.1.

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

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

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

27 SECTION 3. AND BE IT FURTHER ENACTED, That of the individuals
28 initially appointed by the Governor to the Board of Directors, except for ~~members~~ any
29 member serving on the Board ex officio, ~~5~~ 10 members shall have a term of 2 years, ~~5~~
30 10 members shall have a term of 3 years, and ~~5~~ 11 members shall have a term of 4
31 years.

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

36 SECTION 5. AND BE IT FURTHER ENACTED, That the Maryland Museum of
37 African American History and Culture Commission shall terminate upon

1 appointment and qualification of its consenting members to the Board of Directors,
2 but in any case no later than October 1, 1998.

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

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