

HOUSE BILL 186

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P1

2001 Regular Session  
(11r1094)

*ENROLLED BILL*  
-- Appropriations/Finance --

Introduced by **Delegates Harrison and Rawlings**

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.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland African American Museum Corporation - Investments, Personnel,**  
3 **and Meetings, and Museum Development**

4 FOR the purpose of authorizing the Maryland African American Museum Corporation  
5 to establish compensation, holidays, and leave for Corporation employees;  
6 requiring the Corporation to invest certain Corporation moneys in certain  
7 obligations and clarifying the scope of the moneys that are subject to investment  
8 by the Corporation; including officers and employees of the Corporation in the  
9 list of State personnel who are immune from liability under the Maryland Tort  
10 Claims Act; ~~expanding the list of statutory provisions from which the~~  
11 ~~Corporation is exempt~~ altering a provision concerning the applicability to the  
12 corporation of certain regulatory requirements and zoning regulations to require  
13 only that the corporation submit certain plans to, and consider the amounts of,  
14 the City of Baltimore before approving certain plans; and generally relating to  
15 the Maryland African American Museum Corporation.

16 BY repealing and reenacting, with amendments,

1 Article 41 - Governor - Executive and Administrative Departments  
2 Section 20-103, 20-109, and 20-111  
3 Annotated Code of Maryland  
4 (1997 Replacement Volume and 2000 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article - State Government  
7 Section 12-101(a)  
8 Annotated Code of Maryland  
9 (1999 Replacement Volume and 2000 Supplement)

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

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

13 20-103.

14 (a) (1) The Board of Directors shall appoint an Executive Director who shall  
15 serve at the pleasure of the Board.

16 (2) The salary of the Executive Director shall be determined by the  
17 Board.

18 (b) (1) The Executive Director shall be the chief administrative officer for  
19 the Corporation and as such shall direct and supervise the administrative affairs and  
20 technical activities of the Corporation in accordance with policies and procedures  
21 established by the Board of Directors.

22 (2) The Executive Director or the Executive Director's designee shall:

23 (i) Attend all meetings of the Board of Directors, act as Secretary  
24 to the Board, and keep minutes of all its proceedings;

25 (ii) Approve all accounts for salaries, per diem payments, and  
26 allowable expenses of the Corporation or of any of its employees or consultants, and  
27 any expenses incidental to the operation of the Corporation; and

28 (iii) Perform any other duties as directed by the Board of Directors  
29 in carrying out the purposes of this subtitle.

30 (c) The Board of Directors shall appoint any additional professional and  
31 clerical staff necessary to carry out the purposes of this subtitle AND SHALL  
32 ESTABLISH COMPENSATION, HOLIDAYS, AND LEAVE FOR THE STAFF. The officers or  
33 employees of the Corporation are not subject to the provisions of Division I of the  
34 State Personnel and Pensions Article that govern the State Personnel Management  
35 System.

1 (d) The Attorney General shall provide legal counsel to the Corporation and  
2 legal services to the museum.

3 (e) The Board of Directors may engage any necessary accountants, architects,  
4 construction experts and personnel, engineers, lawyers, financial advisors, or other  
5 consultants or agents.

6 20-109.

7 (a) (1) The Corporation may provide for the creation, continuation, and  
8 administration of any funds it may require.

9 (2) Moneys in these funds and other moneys of the Corporation shall be  
10 deposited, as directed by the Board of Directors, in any federal or State chartered  
11 depository institution:

12 (i) The deposits of which are insured by the Federal Deposit  
13 Insurance Corporation;

14 (ii) Having a branch or office in the State that accepts deposits; and

15 (iii) Having a total paid-in capital plus surplus of at least  
16 \$6,000,000.

17 (3) A federal or State chartered trust company may be designated as a  
18 depository to receive any securities acquired or owned by the Corporation.

19 (b) Any STATE-APPROPRIATED moneys of the Corporation [may] AND  
20 MONEYS THE CORPORATION IS REQUIRED BY THE GENERAL ASSEMBLY TO RAISE  
21 FOR MUSEUM CONSTRUCTION FROM SOURCES OTHER THAN THE STATE SHALL be  
22 invested in bonds or other obligations of, or guaranteed as to principal and interest by,  
23 the United States or the State or the State's political subdivisions or units.

24 (c) (1) The Corporation shall make provision for a system of financial  
25 accounting, controls, audits, and reports.

26 (2) The fiscal year of the Corporation shall be July 1 to June 30.

27 (d) (1) As soon as practicable after the closing of the fiscal year, an audit  
28 shall be made of the financial books, records, and accounts of the Corporation.

29 (2) The audit shall be made by independent certified public accountants  
30 selected by the Corporation.

31 (3) The accountants shall be licensed to practice in the State and shall be  
32 experienced and qualified in the accounting and auditing of public bodies.

33 (4) The accountants may not have a personal interest either directly or  
34 indirectly in the fiscal affairs of the Corporation.

1 (5) The accountants shall report the results of their examination,  
 2 including their unqualified opinion on the presentation of the financial position of the  
 3 various funds and the results of the Corporation's financial operations.

4 (6) If the accountants are unable to express an unqualified opinion, they  
 5 shall state and explain in detail the reasons for their qualifications, disclaimer, or  
 6 opinion, including recommendations necessary to make possible future unqualified  
 7 opinions.

8 (e) The books, records, and accounts of the Corporation are subject to audit by  
 9 the State.

10 (f) Within the first 90 days of each fiscal year, the Corporation shall make a  
 11 report to the Governor and, subject to § 2-1246 of the State Government Article, to  
 12 the General Assembly.

13 (g) Each report submitted in accordance with subsection (f) of this section  
 14 shall:

15 (1) Set forth a complete operating and financial statement covering its  
 16 operations during the preceding fiscal year; and

17 (2) Summarize the Corporation's activities during the preceding fiscal  
 18 year.

19 20-111.

20 (a) Except as otherwise provided in this section, the Corporation is exempt  
 21 from the provisions of:

22 (1) ~~ARTICLE 41, § 1-205 OF THE CODE;~~

23 ~~(2)~~ Title 10, Subtitle 5 of the State Government Article;

24 [(2)] ~~(3)~~ (2) Title 2, Subtitles 2, 4, and 6 AND § 2-510 of the State  
 25 Finance and Procurement Article;

26 [(3)] ~~(4)~~ (3) Title 3[, § 2-510] of the State Finance and Procurement  
 27 Article;

28 [(4)] ~~(5)~~ (4) Title 4, Subtitles 2 through 7 of the State Finance and  
 29 Procurement Article;

30 [(5)] ~~(6)~~ (5) Title 6, Subtitle 1 of the State Finance and Procurement  
 31 Article;

32 [(6)] ~~(7)~~ (6) Title 7, Subtitles 1 through 3 of the State Finance and  
 33 Procurement Article;

34 [(7)] ~~(8)~~ (7) Title 8, Subtitle 1 of the State Finance and Procurement  
 35 Article; and



- 1                   (ii)     1.       is providing a service to or for the State;
- 2                               2.       is not paid in whole or in part by the State; and
- 3                               3.       satisfies all other requirements for designation as State  
4 personnel as may be set forth in regulations adopted by the Treasurer pursuant to  
5 Title 10 of this article;
- 6                   (4)     an individual who, without compensation, exercises a part of the  
7 sovereignty of the State;
- 8                   (5)     a student enrolled in a State educational institution:
- 9                               (i)     who is providing services to third parties in the course of  
10 participation in an approved clinical training or academic program;
- 11                              (ii)     who, as determined by the Treasurer, is required to have  
12 liability insurance covering claims arising from services to third parties performed by  
13 the student in the course of the approved clinical training or academic program;
- 14                              (iii)    who, as determined by the Treasurer, cannot obtain commercial  
15 liability insurance at an affordable cost; and
- 16                              (iv)    who, as determined by the Treasurer, may be required to  
17 contribute to an insurance program for claims arising from services to third parties  
18 performed by the student in the course of the approved clinical training or academic  
19 program;
- 20                   (6)     a sheriff or deputy sheriff of a county or Baltimore City;
- 21                   (7)     an employee of a county who is assigned to a local department of  
22 social services, including a Montgomery County employee who carries out State  
23 programs administered under Article 88A, § 13A(b) of the Code;
- 24                   (8)     a State's Attorney of a county or Baltimore City, or an employee of an  
25 office of a State's Attorney;
- 26                   (9)     a member of a board of license commissioners of a county or  
27 Baltimore City appointed under the provisions of Article 2B of the Code, or an  
28 employee of a board of license commissioners;
- 29                   (10)    a member of a board of supervisors of elections of a county or  
30 Baltimore City, or an employee of a board of supervisors of elections;
- 31                   (11)    a judge of a circuit court of a county or Baltimore City, or an employee  
32 of a circuit court;
- 33                   (12)    a judge of an orphans' court of a county or Baltimore City, or an  
34 employee of an orphans' court;

1           (13)     to the extent of a nonprofit organization's activities as a third party  
2 payee, and to the extent the nonprofit organization has no other insurance for this  
3 purpose, a nonprofit organization that has been approved by the Department of  
4 Human Resources or its designee to serve as a third party payee for purposes of  
5 providing temporary cash assistance, transitional assistance, or child-specific  
6 benefits to Family Investment Program recipients; or

7           (14)     a student, faculty, or staff member of an institution of higher  
8 education who is providing a service under the Family Investment Program in  
9 accordance with the provisions of Article 88A, § 47 or § 53 of the Code.

10       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 2001.