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By: **Delegates Harrison and Rawlings**  
Introduced and read first time: January 19, 2001  
Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

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

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; and generally relating to the Maryland African American  
12 Museum Corporation.

13 BY repealing and reenacting, with amendments,  
14 Article 41 - Governor - Executive and Administrative Departments  
15 Section 20-103, 20-109, and 20-111  
16 Annotated Code of Maryland  
17 (1997 Replacement Volume and 2000 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - State Government  
20 Section 12-101(a)  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 2000 Supplement)

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

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

26 20-103.

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

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

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

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

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

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

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

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

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

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

26 20-109.

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

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

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

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

35                   (iii)   Having a total paid-in capital plus surplus of at least  
36 \$6,000,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35           (2)     Summarize the Corporation's activities during the preceding fiscal  
36 year.

1 20-111.

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

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

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

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

8 [(3)] (4) Title 3[, § 2-510] of the State Finance and Procurement Article;

9 [(4)] (5) Title 4, Subtitles 2 through 7 of the State Finance and  
10 Procurement Article;

11 [(5)] (6) Title 6, Subtitle 1 of the State Finance and Procurement Article;

12 [(6)] (7) Title 7, Subtitles 1 through 3 of the State Finance and  
13 Procurement Article;

14 [(7)] (8) Title 8, Subtitle 1 of the State Finance and Procurement Article;  
15 and

16 [(8)] (9) Division II of the State Finance and Procurement Article.

17 (b) The Corporation may carry out its corporate purposes without obtaining  
18 the consent of any department, board, or agency of the State.

19 (c) The Corporation and its officers and employees are subject to the Public  
20 Ethics Law and the State minority business enterprise laws, except as otherwise  
21 provided in this subtitle.

22 (d) The Corporation is subject to State and local regulatory requirements to  
23 which a private corporation would be subject, and the projects of the Corporation are  
24 subject to zoning and subdivision regulations of the jurisdictions in which projects are  
25 located.

26 **Article - State Government**

27 12-101.

28 (a) In this subtitle, unless the context clearly requires otherwise, "State  
29 personnel" means:

30 (1) a State employee or official who is paid in whole or in part by the  
31 Central Payroll Bureau in the Office of the Comptroller of the Treasury;

32 (2) an employee or official of the:

- 1 (i) Maryland Transportation Authority;
- 2 (ii) Injured Workers' Insurance Fund;
- 3 (iii) Maryland Stadium Authority;
- 4 (iv) Maryland Environmental Service;
- 5 (v) overseas programs of the University College of the University  
6 System of Maryland;
- 7 (vi) Maryland Economic Development Corporation; [and]
- 8 (vii) Maryland Technology Development Corporation; AND
- 9 (VIII) MARYLAND AFRICAN AMERICAN MUSEUM CORPORATION.
- 10 (3) a person who:
- 11 (i) is a member of a State board, commission, or similar State  
12 entity; or
- 13 (ii) 1. is providing a service to or for the State;
- 14 2. is not paid in whole or in part by the State; and
- 15 3. satisfies all other requirements for designation as State  
16 personnel as may be set forth in regulations adopted by the Treasurer pursuant to  
17 Title 10 of this article;
- 18 (4) an individual who, without compensation, exercises a part of the  
19 sovereignty of the State;
- 20 (5) a student enrolled in a State educational institution:
- 21 (i) who is providing services to third parties in the course of  
22 participation in an approved clinical training or academic program;
- 23 (ii) who, as determined by the Treasurer, is required to have  
24 liability insurance covering claims arising from services to third parties performed by  
25 the student in the course of the approved clinical training or academic program;
- 26 (iii) who, as determined by the Treasurer, cannot obtain commercial  
27 liability insurance at an affordable cost; and
- 28 (iv) who, as determined by the Treasurer, may be required to  
29 contribute to an insurance program for claims arising from services to third parties  
30 performed by the student in the course of the approved clinical training or academic  
31 program;
- 32 (6) a sheriff or deputy sheriff of a county or Baltimore City;

1           (7)     an employee of a county who is assigned to a local department of  
2 social services, including a Montgomery County employee who carries out State  
3 programs administered under Article 88A, § 13A(b) of the Code;

4           (8)     a State's Attorney of a county or Baltimore City, or an employee of an  
5 office of a State's Attorney;

6           (9)     a member of a board of license commissioners of a county or  
7 Baltimore City appointed under the provisions of Article 2B of the Code, or an  
8 employee of a board of license commissioners;

9           (10)    a member of a board of supervisors of elections of a county or  
10 Baltimore City, or an employee of a board of supervisors of elections;

11          (11)    a judge of a circuit court of a county or Baltimore City, or an employee  
12 of a circuit court;

13          (12)    a judge of an orphans' court of a county or Baltimore City, or an  
14 employee of an orphans' court;

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

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

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