

Chapter 129

(Senate Bill 639)

AN ACT concerning

Historic St. Mary's City Commission Reform Act of 2023

FOR the purpose of altering certain provisions of law governing the Historic St. Mary's City Commission, including laws relating to membership of the Commission, appointment of certain officers, meeting times, and duties; specifying the process for the Commission to collaborate with ~~the Historic St. Mary's City Foundation~~ an affiliated nonprofit organization; and generally relating to the Historic St. Mary's City Commission.

BY repealing and reenacting, with amendments,

Article – Education
Section 24–505, 24–506, 24–507(b), and 24–508
Annotated Code of Maryland
(2022 Replacement Volume)

BY adding to

Article – Education
Section 24–508.1 and 24–511(h)
Annotated Code of Maryland
(2022 Replacement Volume)

BY repealing and reenacting, without amendments,

Article – Education
Section 24–511(a)(1)
Annotated Code of Maryland
(2022 Replacement Volume)

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

Article – Education

24–505.

- (a) The Historic St. Mary's City Commission consists of [seventeen members.
- (b) Of the Commission] **THE FOLLOWING** members:

(1) [Thirteen] **FOURTEEN VOTING MEMBERS WHO** shall be appointed by the Governor with the advice and consent of the Senate as follows:

(i) Three shall be distinguished scholars, one of whom shall be an archaeologist, one of whom shall be a colonial historian, and one of whom shall be an educator;

(ii) One shall be a representative from a prominent historical museum;

(iii) Three shall be members of the Maryland business community, one of whom is in business in the St. Mary's County community; ~~AND~~

(iv) ~~[Six]~~ ~~SEVEN~~ shall be members of the general public, at least two of whom are residents of the St. Mary's County community; AND

(v) ONE SHALL BE A REPRESENTATIVE OF THE NATIVE AMERICAN COMMUNITY, APPOINTED IN CONSULTATION WITH THE MARYLAND COMMISSION ON INDIAN AFFAIRS;

(2) TWO VOTING MEMBERS AS FOLLOWS:

(I) ONE MEMBER OF THE PUBLIC, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(II) ONE MEMBER OF THE PUBLIC, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

[(2)] (3) Two shall be ex officio [voting] members as follows:

(i) The chairman of the St. Mary's College of Maryland Board of Trustees or the chairman's designee **WHO IS A VOTING MEMBER**; and

(ii) The President of the Historic St. Mary's Foundation[; and

(3) Two shall be ex officio nonvoting members as follows:

(i) The President of the Senate of Maryland or the President's designee; and

(ii) The Speaker of the House of Delegates or the Speaker's designee] **WHO IS A NONVOTING MEMBER.**

[(c)] (B) The Governor shall consider statewide, regional, and minority representation in making appointments to the Commission.

[(d)] (C) (1) The term of a member of the Commission, excluding an ex officio member, is 4 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of members as of July 1, 1997.

(2) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term and until a successor is appointed and qualifies.

(3) A member may be appointed to no more than two full consecutive terms. A member who has served less than a full 4-year term may be reappointed to two full terms.

24-506.

(a) (1) From among its members the Commission shall elect:

(i) A chairman;

(ii) A vice chairman; and

(iii) Any other officer the Commission requires.

(2) **(I)** **[The]** **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** manner of election of officers and their terms of office shall be as the Commission determines.

(II) OFFICERS OF THE COMMISSION SHALL BE SELECTED FROM THE APPOINTED MEMBERS OF THE COMMISSION.

(b) (1) The Commission shall adopt bylaws setting forth the manner in which it will conduct its business and otherwise carry out the duties assigned to it, including the establishment of standing committees to propose policies, review operations, and advise the Commission in the areas of:

(i) Land use, archaeology, historical research, collections management, and capital projects;

(ii) Educational programming, public programs, and public affairs with a view to expanding the knowledge of and appreciation for Historic St. Mary's City to the region, State, and nation;

(iii) Long-range planning, fund-raising, from both public and private sources, as well as other revenue raising programs with a view to securing long-term financial capital and operating support for Historic St. Mary's City; and

(iv) Financial and administrative affairs, including property management, personnel, procurement, legal, accounting, audit, and investment policies.

(2) The chairman of the Commission shall appoint each Commissioner to one of the standing committees and such other committees as the Commission from time to time determines to appoint for special purposes. The chairman shall designate a chair of each committee.

(c) (1) There shall be an executive committee of the Commission which shall have as its members the chairman, the vice chairman, and the chair of each standing committee.

(2) The executive committee shall be delegated such powers as the Commission shall determine by resolution or by law and shall report to the full Commission all actions taken or considered by the committee at the next meeting of the full Commission.

(d) (1) **(I)** The full Commission shall meet at least two times a year at Historic St. Mary's City.

(II) THE FULL COMMISSION MAY MEET MORE THAN TWO TIMES A YEAR AT HISTORIC ST. MARY'S CITY OR VIRTUALLY.

(2) The executive committee shall meet at least four times a year, or such additional meetings as are necessary or convenient for the proper direction of Historic St. Mary's City.

(3) Standing committees shall meet or confer as necessary to review and recommend action to the executive committee or full Commission, as the case may be, as issues within their purview arise.

[(2)] (4) A majority of the voting members then serving on the Commission is a quorum.

(e) A Commissioner may not receive compensation, but is entitled to be reimbursed for expenses incurred while actually engaged in the performance of the Commissioner's duties in accordance with the Standard State Travel Regulations.

24-507.

(b) In addition to any duties provided elsewhere in this subtitle, the Commission has the following duties:

(1) To maintain and carry out the mission of Historic St. Mary's City;

(2) To protect and preserve the historical and archaeological resources found within the boundaries of Historic St. Mary's City;

(3) To identify, study, curate, interpret, and develop the significant historic and archaeological resources of Historic St. Mary's City with emphasis on the 17th century colonial period;

(4) To enhance the role of Historic St. Mary's City as a statewide educational center for historical archaeology and Maryland colonial history and ultimately to raise national awareness of the place of St. Mary's City, its history, people, and ideas in our nation's development;

(5) To develop close working relationships with public and private elementary and secondary schools, local and statewide businesses and governmental agencies, and conduct activities to educate the general public about the history and significance of Historic St. Mary's City to the State of Maryland and the nation;

(6) To seek private and other public grants, gifts, bequests, endowments, and legacies for the development and use of Historic St. Mary's City;

(7) To review and comment on all plans for use and development of the archaeologically or historically significant land and real property of St. Mary's College of Maryland during the initial planning stage, to conduct such review at a special or regular meeting of the Commission after public notice of the general nature of the plans to be reviewed by the Commission, and thereafter to forward all such comments coincident with any submission made by the College pursuant to § 3-602 of the State Finance and Procurement Article;

(8) To prepare an overall strategic plan at least once every 5 years that establishes both short-range and long-range goals, objectives, and priorities for Historic St. Mary's City in support of its mission; [and]

(9) TO DEVELOP AND PUBLISH WRITTEN POLICIES REGARDING THE COMMISSION'S OPERATING PROCEDURES, INCLUDING POLICIES ON:

(I) PROCUREMENT;

(II) HUMAN RESOURCES;

(III) PAYROLL;

(IV) CASH MANAGEMENT;

(V) FLEET MANAGEMENT; AND

(VI) PROPERTY MANAGEMENT, INCLUDING RENTAL TENANT WAITING LISTS;

(10) TO DEVELOP A COMPREHENSIVE MAINTENANCE PLAN AND TO UPDATE THE PLAN AT LEAST ONCE EVERY 3 YEARS;

(11) TO ANNUALLY REVIEW:

(I) THE COMMISSION'S OPERATING AGREEMENTS; AND

(II) THE COMMISSION'S POLICIES ON OPERATING PROCEDURES; AND

[(9)] (12) To report annually to the Governor, and subject to § 2-1257 of the State Government Article, to the General Assembly as to the Commission's activities during the preceding year, including specifically:

(i) The number of students served as well as the type and numbers of all other visitors;

(ii) The number of volunteers and total hours contributed to the operation of the museum;

(iii) The amount and types of private and nonstate funds donated, pledged, or otherwise provided; and

(iv) Any recommendations or requests the Commission considers appropriate to further the mission of Historic St. Mary's City.

24-508.

(a) **(1)** The Historic St. Mary's City Commission and the Board of Trustees of St. Mary's College of Maryland are hereby authorized to undertake joint programs and otherwise to work collaboratively under contract or other agreement acceptable to the governing boards of each institution, for the purpose of furthering the missions of both institutions.

[(b)] (2) The Commission and the College may contract or otherwise agree to work jointly to sponsor high quality education programs and activities for both the academic and general communities and for all age groups, including elementary, secondary, college, and adult education programs as well as teacher training programs in curriculum areas of joint focus, such as archaeology, colonial American history, and Chesapeake culture and ecology.

[(c)] (3) The Commission and College may develop jointly beneficial, promotional, marketing, fundraising, tourism, special events, and other outreach efforts.

[(d)] (4) The College and Commission may by contract [or mutual agreement] perform administrative tasks by one institution for the other including, but not limited to, personnel, procurement and insurance claim processing, purchasing, accounting, information system design, acquisition, installation and service, security, maintenance, historic landscape design, catering and general food services, and archaeological survey and mitigation services.

[(e)] (5) Provided they are supportive of the distinctive mission of each institution, the Commission and College may undertake any other joint activity or action by formal or informal agreement or contract.

[(f)] (6) Notwithstanding any joint activities or programs carried out by the College and the Commission, or administrative action undertaken by the College or the Commission for the benefit of the other institution, neither the College nor the Commission shall be liable for any direct or indirect actions of the other institution, or its trustees, Commissioners, employees, or agents as the case may be.

(7) IF THE COMMISSION OBTAINS SERVICES UNDER AN AGREEMENT WITH THE COLLEGE, THE SERVICES PROVIDED TO THE COMMISSION SHALL BE IN ACCORDANCE WITH THE COLLEGE'S POLICIES AND PROCEDURES.

(B) AN OPERATING AGREEMENT ENTERED INTO BY THE COMMISSION WITH ANOTHER UNIT OF STATE GOVERNMENT OR AN AFFILIATED NONPROFIT ORGANIZATION SHALL BE:

(1) EXECUTED IN WRITING;

(2) APPROVED FOR FORM AND LEGAL SUFFICIENCY BY THE ATTORNEY GENERAL;

(3) REVIEWED BY THE COMMISSION ANNUALLY; AND

(4) ENACTED FOR A TERM NOT EXCEEDING 3 YEARS, WHICH MAY BE RENEWED FOR ADDITIONAL TERMS NOT EXCEEDING 3 YEARS, WITHOUT LIMIT.

24-508.1.

(A) IN THIS SECTION, “FOUNDATION AFFILIATED NONPROFIT ORGANIZATION” MEANS INCLUDES THE HISTORIC ST. MARY’S CITY FOUNDATION.

(B) THE COMMISSION IS ENCOURAGED TO PROMOTE PRIVATE FUNDRAISING BY STRENGTHENING INSTITUTIONAL DEVELOPMENT ACTIVITIES AND MAY COLLABORATE WITH THE HISTORIC ST. MARY’S CITY FOUNDATION AFFILIATED NONPROFIT ORGANIZATIONS.

(C) (1) THE COMMISSION SHALL DEVELOP POLICIES FOR COLLABORATION WITH ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION.

(2) THE ATTORNEY GENERAL SHALL REVIEW THE POLICIES THE COMMISSION DEVELOPS UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR FORM AND LEGAL SUFFICIENCY AND, IF APPROPRIATE, APPROVE THEM TO GOVERN THE COLLABORATION.

(3) THE STATE ETHICS COMMISSION SHALL REVIEW THE POLICIES THE COMMISSION DEVELOPS UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT PERTAIN TO CONFLICTS OF INTEREST AND, IF APPROPRIATE, APPROVE THEM TO GOVERN AN OFFICIAL OR EMPLOYEE OF THE COMMISSION ALSO SERVING AS A DIRECTOR OR OFFICIAL OF ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION.

(D) (1) ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION MAY NOT BE CONSIDERED AN AGENCY OR INSTRUMENTALITY OF THE STATE OR A UNIT OF THE EXECUTIVE BRANCH FOR ANY PURPOSE.

(2) A FINANCIAL OBLIGATION OR LIABILITY OF ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION MAY NOT BE CONSIDERED A DEBT OR AN OBLIGATION OF THE STATE OR THE COMMISSION.

(E) (1) SECTIONS 5-501 THROUGH 5-504 OF THE GENERAL PROVISIONS ARTICLE DO NOT PROHIBIT AN OFFICIAL OR EMPLOYEE OF THE COMMISSION FROM ALSO BECOMING A DIRECTOR OR AN OFFICIAL OF ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION.

(2) AN OFFICIAL OR EMPLOYEE OF THE COMMISSION WHO SERVES AS A DIRECTOR OR OFFICIAL OF ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION:

(I) MAY NOT BE COMPENSATED, DIRECTLY OR INDIRECTLY, BY ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION; AND

(II) MAY BE REIMBURSED FOR BONA FIDE EXPENSES INCURRED IN THE PERFORMANCE OF ACTIVITIES UNDERTAKEN ON BEHALF OF ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION AS AUTHORIZED BY THE BOARD OF DIRECTORS OF ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION AND BY THE COMMISSION.

(3) (i) THE COMMISSION SHALL NOTIFY THE STATE ETHICS COMMISSION IN WRITING WHENEVER THE COMMISSION AUTHORIZES AN OFFICIAL OR EMPLOYEE OF THE COMMISSION TO SERVE AS A DIRECTOR OR OFFICIAL OF ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION.

(ii) WITHIN 30 DAYS AFTER RECEIPT OF THE NOTICE UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH, THE STATE ETHICS COMMISSION SHALL NOTIFY THE COMMISSION OF ANY OBJECTIONS OR CONCERNS PERTAINING TO THE JOINT SERVICE IDENTIFIED IN THE NOTICE.

(iii) ON RECEIPT OF A NOTICE FROM THE STATE ETHICS COMMISSION UNDER SUBPARAGRAPH (ii) OF THIS PARAGRAPH, THE COMMISSION SHALL REEXAMINE THE MATTER.

(4) EACH YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR, THE STATE ETHICS COMMISSION, AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE LEGISLATIVE POLICY COMMITTEE:

(i) THE NAMES OF THE OFFICIALS AND EMPLOYEES SERVING AS A DIRECTOR OR OFFICIAL OF ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION; AND

(ii) HOW THE POLICIES AND PROCEDURES ADOPTED UNDER SUBSECTION (C) OF THIS SECTION HAVE BEEN IMPLEMENTED IN THE PRECEDING YEAR.

(f) (1) NO FUNDS MAY BE ACCEPTED BY THE COMMISSION FROM ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION UNLESS AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT AUDITS THE FISCAL AFFAIRS OF THE ~~FOUNDATON~~ AFFILIATED NONPROFIT ORGANIZATION EACH YEAR.

(2) (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS PARAGRAPH, FUNDS GIVEN TO THE COMMISSION BY ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION MAY NOT INCLUDE PRECONDITIONS ON THE USE OF THE FUNDS.

(ii) FUNDS GIVEN TO THE COMMISSION THROUGH ~~THE FOUNDATION~~ AN AFFILIATED NONPROFIT ORGANIZATION FROM A DONOR MAY INCLUDE CONDITIONS AT THE DONOR'S REQUEST.

24-511.

(a) (1) There is a Historic St. Mary's City Fund.

(H) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing obligation or contract right may not be impaired in any way by this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2023, the Historic St. Mary's City Commission shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, on the Commission's progress in addressing the concerns raised by its most recent independent audit.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2023.

Approved by the Governor, April 24, 2023.