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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**HB 1042: Historic St. Mary's City Commission Reform Act of 2023**

**Position: FAVORABLE**

Good afternoon Mr. Chair, Mr. Vice Chair, and esteemed members of the Appropriations Committee. I am here to introduce HB 1042, the Historic St. Mary's City Commission Reform Act of 2023. It is a great honor to represent the birthplace of our State and to work with so many people to grow and improve St. Mary's City.

During these efforts, however, the Senator who represents St. Mary's City and I became concerned with several matters relating to the Commission, particularly their response to community members who had come forward with questions about the management of Historic St. Mary's City and the grounds that they are responsible for. The Commission is an independent agency that is not part of a larger unit of State government. Therefore, it became necessary for us as legislators to provide oversight regarding their actions and response to these concerns.

This effort has already resulted in three significant actions being taken. First, almost the entire membership of the Commission was replaced with new appointees over the last two years. Second, the General Assembly enacted legislation to expand the Open Meetings Act which provided more transparency over the Commission's meetings. Finally, last year's budget included language that initiated an independent audit of the Commission's operations, as it was clear that their internal efforts to respond to these concerns were insufficient.

While the full audit with the Commission's response has encountered delays and is scheduled to be released later this week, my Senate colleague and I have been in discussions with representatives of the Commission regarding what they have learned from this process so that we could have a legislative response to this issue this year. It is clear from these discussions that the audit will show the level of mismanagement that has been occurring at Historic St. Mary's City in recent years. We are confident that the Commission will respond to the concerns raised by the audit promptly and fully, and part of this bill requires them to report about their progress in addressing its recommendations. However, it is important to enact long term reforms to address deficiencies in the current statutory structure of the Commission that have become apparent during this process.

This bill makes several changes to the existing statute which, to our knowledge, has not been comprehensively reviewed since it was enacted in 1997. There is a need for the Commission to formalize and regularly review their operating procedures to comply with State law, follow best practices, and ensure that the investment that the State has made in St. Mary's City is being used

in the most effective and efficient manner possible. It is also necessary to ensure that the Commission, which is in large part comprised of members appointed by the Governor and confirmed by the Senate to oversee the operations of Historic St. Mary's City, is in control of its operations by enacting guardrails to govern the relationship that the Commission has with the Historic St. Mary's City Foundation and any other affiliated nonprofits that it may choose to work with.

HB 1042 makes changes to their membership and clarifies provisions regarding their election of officers and meetings. As amended, this bill adds one representative of the Native/Indigenous Community chosen in consultation with the Maryland Commission on Indian Affairs to the Commission and makes the two members of the public selected by the President and the Speaker voting members of the Commission, while converting the Foundation's ex-officio member to non-voting status. It also requires that their officers be chosen from among their appointed members and adds language permitting the Commission to hold additional meetings beyond the current required minimum of two virtually at its discretion.

This legislation also makes reforms to the Commission's operating policies and provisions related to agreements with State entities and affiliated nonprofit organizations. HB 1042 requires the Commission to develop and publish written policies regarding their operating procedures, including policies regarding procurement, human resources, payroll, cash management, fleet management, and property management. It adds to their duties a requirement to develop a comprehensive maintenance plan and update it not less than once every three years. This bill will also require that any agreement with St. Mary's College of Maryland for the College to perform administrative tasks be by contract and not by mutual agreement, and that any operating agreement that the Commission has with another unit of State government or an affiliated nonprofit shall be in writing, approved for form and legal sufficiency by the Attorney General, reviewed annually, and enacted or renewed for no more than three years at a time. The amendment I have requested clarifies these provisions at the request of St. Mary's College of Maryland.

Most importantly, HB 1042 enacts provisions to govern the relationship between the Commission and any affiliated nonprofit, including the Historic St. Mary's City Foundation. This language mirrors existing affiliated nonprofit statutes for institutes of higher education and the Maryland Stadium Authority. They also provide that no funds can be accepted from an affiliated foundation unless the nonprofit is independently audited annually, and state that funds given to the Commission by an affiliated nonprofit cannot include conditions on the use of the funds unless the original donor includes conditions on how the funds are to be used. The amendment that I have requested further clarifies these provisions to ensure that they are aligned with the intent of this bill.

During my time in the House, the State has made significant investments in Historic St. Mary's City. I intend to continue working to secure these necessary resources to preserve our first capital and share its story with as many Marylanders as possible. However, with this investment comes a responsibility to exercise appropriate oversight and ensure the effective and efficient use of

taxpayer funds. For these reasons, I respectfully request a favorable report with amendments on HB 1042. Thank you for your consideration of this legislation.

# **HB 1042 Historic St. Mary's City Commission Reform**

Uploaded by: Anna Yates

Position: FWA

**House Bill 1042**  
**Historic St. Mary's City Commission Reform Act of 2023**  
**House Appropriations Committee**  
**March 9, 2023**

**Favorable with Amendments**

Chair Barnes, Vice-Chair Chang, and members of the House Appropriations Committee,

Thank you for the opportunity to share our thoughts on House Bill 1042. St. Mary's College was founded by the Legislature in 1840 as a living monument to Maryland's first capital. In 1997, House Bill 597 provided the foundation for an affiliation between St. Mary's College of Maryland (College) and the Historic St. Mary's City Commission (Commission). This affiliation has resulted in enhanced programming and provided opportunities for efficiencies in operations. Since then, the College and the Commission have developed a variety of successful joint educational programs, such as the Center for the Study of Democracy and the College's Museum Studies minor, and have worked together to plan and share both land and facilities.

In addition, as made possible by the 1997 legislation, the Commission has contracted with the College for a variety of administrative and operational services including personnel, procurement, accounting, information technology, and public safety. The College, in general, supports the measures contained in House Bill 1042 that are intended to strengthen policies and procedures related to these administrative services. The College offers an amendment to specifically clarify that when the Commission obtains services from the College under an agreement, those services will be provided in accordance with the College's existing policies and procedures. This amendment, which is consistent with the provisions in the 1997 legislation, would allow the College to continue providing these services efficiently.

Our proposed amendment:

Insert the following on page 6:

- (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 THE EXTENT THAT THE COMMISSION OBTAINS SERVICES UNDER AN AGREEMENT WITH ST. MARY'S COLLEGE OF MARYLAND, THE SERVICES PROVIDED TO THE COMMISSION WILL BE IN ACCORDANCE WITH ST. MARY'S COLLEGE'S POLICIES AND PROCEDURES.

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

In addition to the above, the College believes that House Bill 1042 could be clarified regarding the renewal of service agreements between the Commission and the College and proposes the following amendment:

Insert the following on page 7:

(B) AN OPERATING AGREEMENT ENTERED INTO BY THE COMMISSION WITH ANOTHER UNIT OF STATE GOVERNMENT OR AN AFFILIATED NONPROFIT 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 3 YEAR TERMS, WITHOUT LIMIT.

The proposed amendments to House Bill 1042 will clarify how the College can continue to support the Commission effectively.

The College values its affiliation with the Commission and looks forward to continuing our collaborative work to provide educational programming related to the historical significance and archaeological value of Maryland's First Capital.

Thank you for your consideration and continued support of St. Mary's College of Maryland.



Tuajuanda C. Jordan, PhD  
President

*The*  
**NATIONAL  
PUBLIC  
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