

SENATE BILL 639

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By: **Senator Bailey**

Introduced and read first time: February 6, 2023

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering certain provisions of law governing the Historic St. Mary's City
4 Commission, including laws relating to membership of the Commission,
5 appointment of certain officers, meeting times, and duties; specifying the process for
6 the Commission to collaborate with the Historic St. Mary's City Foundation; and
7 generally relating to the Historic St. Mary's City Commission.

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 24–505, 24–506, 24–507(b), and 24–508
11 Annotated Code of Maryland
12 (2022 Replacement Volume)

13 BY adding to
14 Article – Education
15 Section 24–508.1 and 24–511(h)
16 Annotated Code of Maryland
17 (2022 Replacement Volume)

18 BY repealing and reenacting, without amendments,
19 Article – Education
20 Section 24–511(a)(1)
21 Annotated Code of Maryland
22 (2022 Replacement Volume)

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

25 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 24–505.

2 (a) The Historic St. Mary’s City Commission consists of [seventeen members.

3 (b) Of the Commission] **THE FOLLOWING** members:

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

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

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

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

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

15 **(2) TWO VOTING MEMBERS AS FOLLOWS:**

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

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

20 **[(2)] (3)** Two shall be ex officio [voting] members as follows:

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

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

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

25 (i) The President of the Senate of Maryland or the President’s
26 designee; and

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

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

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

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

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

11 24-506.

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

13 (i) A chairman;

14 (ii) A vice chairman; and

15 (iii) Any other officer the Commission requires.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **[(2)] (4)** A majority of the voting members then serving on the
24 Commission is a quorum.

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

28 24-507.

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

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

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

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

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

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

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

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

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

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

28 **(I) PROCUREMENT;**

29 **(II) HUMAN RESOURCES;**

30 **(III) PAYROLL;**

31 **(IV) CASH MANAGEMENT;**

32 **(V) FLEET MANAGEMENT; AND**

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

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

3 **(11) TO ANNUALLY REVIEW:**

4 **(I) THE COMMISSION'S OPERATING AGREEMENTS; AND**

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

7 **[(9)] (12)** To report annually to the Governor, and subject to § 2-1257 of
8 the State Government Article, to the General Assembly as to the Commission's activities
9 during the preceding year, including specifically:

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

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

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

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

18 24-508.

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

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

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

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

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

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

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

17 (1) EXECUTED IN WRITING;

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

20 (3) REVIEWED BY THE COMMISSION ANNUALLY; AND

21 (4) ENACTED FOR A TERM NOT EXCEEDING 3 YEARS, WHICH MAY BE
22 RENEWED.

23 24-508.1.

24 (A) IN THIS SECTION, "FOUNDATION" MEANS THE HISTORIC ST. MARY'S
25 CITY FOUNDATION.

26 (B) THE COMMISSION MAY COLLABORATE WITH THE HISTORIC ST. MARY'S
27 CITY FOUNDATION.

28 (C) (1) THE COMMISSION SHALL DEVELOP POLICIES FOR
29 COLLABORATION WITH THE FOUNDATION.

30 (2) THE ATTORNEY GENERAL SHALL REVIEW THE POLICIES THE
31 COMMISSION DEVELOPS UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR FORM

1 AND LEGAL SUFFICIENCY AND, IF APPROPRIATE, APPROVE THEM TO GOVERN THE
2 COLLABORATION.

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

8 (D) (1) THE FOUNDATION MAY NOT BE CONSIDERED AN AGENCY OR
9 INSTRUMENTALITY OF THE STATE OR A UNIT OF THE EXECUTIVE BRANCH FOR ANY
10 PURPOSE.

11 (2) A FINANCIAL OBLIGATION OR LIABILITY OF THE FOUNDATION
12 MAY NOT BE CONSIDERED A DEBT OR AN OBLIGATION OF THE STATE OR THE
13 COMMISSION.

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

17 (2) AN OFFICIAL OR EMPLOYEE OF THE COMMISSION WHO SERVES AS
18 A DIRECTOR OR OFFICIAL OF THE FOUNDATION:

19 (I) MAY NOT BE COMPENSATED, DIRECTLY OR INDIRECTLY, BY
20 THE FOUNDATION; AND

21 (II) MAY BE REIMBURSED FOR BONA FIDE EXPENSES INCURRED
22 IN THE PERFORMANCE OF ACTIVITIES UNDERTAKEN ON BEHALF OF THE
23 FOUNDATION AS AUTHORIZED BY THE BOARD OF DIRECTORS OF THE FOUNDATION
24 AND BY THE COMMISSION.

25 (3) (I) THE COMMISSION SHALL NOTIFY THE STATE ETHICS
26 COMMISSION IN WRITING WHENEVER THE COMMISSION AUTHORIZES AN OFFICIAL
27 OR EMPLOYEE OF THE COMMISSION TO SERVE AS A DIRECTOR OR OFFICIAL OF THE
28 FOUNDATION.

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

1 **(III) ON RECEIPT OF A NOTICE FROM THE STATE ETHICS**
2 **COMMISSION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSION**
3 **SHALL REEXAMINE THE MATTER.**

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

7 **(I) THE NAMES OF THE OFFICIALS AND EMPLOYEES SERVING**
8 **AS A DIRECTOR OR OFFICIAL OF THE FOUNDATION; AND**

9 **(II) HOW THE POLICIES AND PROCEDURES ADOPTED UNDER**
10 **SUBSECTION (C) OF THIS SECTION HAVE BEEN IMPLEMENTED IN THE PRECEDING**
11 **YEAR.**

12 **(F) (1) NO FUNDS MAY BE ACCEPTED BY THE COMMISSION FROM THE**
13 **FOUNDATION UNLESS AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT AUDITS**
14 **THE FISCAL AFFAIRS OF THE FOUNDATION EACH YEAR.**

15 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
16 **PARAGRAPH, FUNDS GIVEN TO THE COMMISSION BY THE FOUNDATION MAY NOT**
17 **INCLUDE PRECONDITIONS ON THE USE OF THE FUNDS.**

18 **(II) FUNDS GIVEN TO THE COMMISSION THROUGH THE**
19 **FOUNDATION FROM A DONOR MAY INCLUDE CONDITIONS AT THE DONOR'S**
20 **REQUEST.**

21 24-511.

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31,
26 2023, the Historic St. Mary's City Commission shall report to the General Assembly, in
27 accordance with § 2-1257 of the State Government Article, on the Commission's progress
28 in addressing the concerns raised by its most recent independent audit.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
30 1, 2023.