

# HOUSE BILL 1042

P1

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CF SB 639

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By: **Delegate Crosby**

Introduced and read first time: February 10, 2023

Assigned to: Appropriations

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## 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**

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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 SENATE OF MARYLAND, APPOINTED**  
17 **BY THE PRESIDENT OF THE SENATE; AND**

18 **(II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED**  
19 **BY THE 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] **WHO**  
24 **IS A NONVOTING MEMBER.**

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

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

28 (ii) The Speaker of the House of Delegates or the Speaker’s  
29 designee.]

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;

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

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

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

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

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

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

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

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

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

26 **[(2)] (4)** A majority of the voting members then serving on the  
27 Commission is a quorum.

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

31 24-507.

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

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

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

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

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

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

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

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

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

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

29 **(I) PROCUREMENT;**

30 **(II) HUMAN RESOURCES;**

31 **(III) PAYROLL;**

32 **(IV) CASH MANAGEMENT;**

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

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

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

5 (11) TO ANNUALLY REVIEW:

6 (I) THE COMMISSION'S OPERATING AGREEMENTS; AND

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

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

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

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

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

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

20 24-508.

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

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

32 [(c)] (3) The Commission and College may develop jointly beneficial,  
33 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) FUNDS GIVEN TO THE COMMISSION BY THE FOUNDATION MAY**  
16 **NOT INCLUDE PRECONDITIONS ON THE USE OF THE FUNDS.**

17 24-511.

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

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

21                   SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31,  
22 2023, the Historic St. Mary's City Commission shall report to the General Assembly, in  
23 accordance with § 2-1257 of the State Government Article, on the Commission's progress  
24 in addressing the concerns raised by its most recent independent audit.

25                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
26 1, 2023.