

HOUSE BILL 88

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7lr0975

By: ~~Delegate Lafferty~~ **Baltimore County Delegation**

Introduced and read first time: January 16, 2017

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2017

CHAPTER _____

1 AN ACT concerning

2 **Education – Selection of Members to the Baltimore County School Board**

3 FOR the purpose of prohibiting the Governor from appointing certain individuals as
4 members to the Baltimore County Board of Education in an election year; prohibiting
5 certain individuals from seeking appointment as members of the county board in an
6 election year; requiring the Baltimore County School Board Nominating Commission
7 to hold a certain number of meetings, each in a separate councilmanic district, each
8 year; requiring the Commission, instead of the Governor, to appoint the chair of the
9 Commission; repealing the Governor's authority to reappoint the chair of the
10 Commission; altering the terms of certain appointed members of the county board;
11 requiring the Commission to convene its first meeting on a certain date; and
12 generally relating to the membership of the Baltimore County Board of Education.

13 BY repealing and reenacting, without amendments,
14 Article – Education
15 Section 3–2A–01(a)
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2016 Supplement)

18 BY adding to
19 Article – Education
20 Section 3–2A–01(b)(5)
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



BY repealing and reenacting, with amendments,
Article – Education
Section 3–2A–03(a) and (c)
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Chapter 480 of the Acts of the General Assembly of 2014
Section 2

BY repealing and reenacting, with amendments,
Chapter 481 of the Acts of the General Assembly of 2014
Section 2

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

Article – Education

3–2A–01.

(a) The Baltimore County Board of Education consists of:

(1) Seven nonpartisan elected members;

(2) Four appointed members; and

(3) One student member.

(b) **(5) DURING AN ELECTION YEAR:**

**(I) THE GOVERNOR MAY NOT APPOINT AS A MEMBER OF THE
COUNTY BOARD AN INDIVIDUAL WHO FILES A CERTIFICATE OF CANDIDACY FOR
ELECTION TO THE COUNTY BOARD; AND**

**(II) AN INDIVIDUAL WHO FILES A CERTIFICATE OF CANDIDACY
FOR ELECTION TO THE COUNTY BOARD MAY NOT SEEK APPOINTMENT TO THE
COUNTY BOARD BY THE GOVERNOR THROUGH NOMINATION BY THE BALTIMORE
COUNTY SCHOOL BOARD NOMINATING COMMISSION.**

3–2A–03.

(a) (1) There is a Baltimore County School Board Nominating Commission.

(2) The purpose of the Commission is to select nominees to be recommended to the Governor as qualified candidates for appointment to the Baltimore County Board of Education.

(3) The Commission shall hold at least ~~[two]~~ **THREE** public hearings, **EACH IN A DIFFERENT COUNCILMANIC DISTRICT**, on the selection of nominees before recommending to the Governor nominees for appointment to the county board.

(c) (1) The ~~[Governor]~~ **COMMISSION** shall designate **ONE OF ITS MEMBERS** as chair of the Commission ~~[one of the eight members appointed by the Governor under subsection (b)(3) of this section]~~ **BY MAJORITY VOTE**.

(2) The term of the chair of the Commission is 4 years.

~~[(3) The Governor may reappoint the chair of the Commission for a second term.]~~

~~[(4)]~~ **(3)** The term of a member of the Commission is 4 years.

Chapter 480 of the Acts of 2014

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the appointed members of the Baltimore County Board of Education shall expire as follows:

(a) The terms of the four members appointed at large who are in office on the effective date of this Act, **OR THE TERMS OF THEIR SUCCESSORS**, shall expire [as follows:] **AT THE END OF DECEMBER 2, 2018, AND THE GOVERNOR SHALL APPOINT FOUR MEMBERS FROM A LIST OF NOMINEES SUBMITTED BY THE BALTIMORE COUNTY SCHOOL BOARD NOMINATING COMMISSION AS ESTABLISHED UNDER § 3-2A-03 OF THE EDUCATION ARTICLE TO SUCCEED THOSE FOUR DEPARTING MEMBERS, EACH TO SERVE FOR A TERM OF 4 YEARS BEGINNING ON DECEMBER 3, 2018, UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

~~[(1) the term of the member whose term is scheduled to expire on June 30, 2015, shall expire at the end of December 6, 2015, and the Governor shall appoint a member to succeed that member to serve for a term of 4 years beginning on December 7, 2015, until a successor is appointed and qualifies;~~

~~(2) the term of the member whose term is scheduled to expire on June 30, 2016, shall expire at the end of December 4, 2016, and the Governor shall appoint a member to succeed that member to serve for a term of 4 years beginning on December 5, 2016, until a successor is appointed and qualifies; and~~

~~(3) the terms of the two members whose terms are scheduled to expire on June 30, 2018, shall expire at the end of December 2, 2018, and the Governor shall appoint two members from a list of nominees submitted by the Baltimore County School Board~~

Nominating Commission as established by Section 1 of this Act to succeed those two departing members, each to serve for a term of 4 years beginning on December 3, 2018, until a successor is appointed and qualifies.]

(b) The terms of the seven members appointed from councilmanic districts 1, 2, 3, 4, 5, 6, and 7 of Baltimore County, or their successors, who are in office on June 1, 2016, shall terminate at the end of December 2, 2018, and the members elected from those councilmanic/school board districts in Baltimore County at the general election in November 2018, shall succeed those appointed members and serve for a term of 4 years beginning on December 3, 2018, until a successor is elected and qualifies.

Chapter 481 of the Acts of 2014

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the appointed members of the Baltimore County Board of Education shall expire as follows:

(a) The terms of the four members appointed at large who are in office on the effective date of this Act, **OR THE TERMS OF THEIR SUCCESSORS**, shall expire [as follows:] **AT THE END OF DECEMBER 2, 2018, AND THE GOVERNOR SHALL APPOINT FOUR MEMBERS FROM A LIST OF NOMINEES SUBMITTED BY THE BALTIMORE COUNTY SCHOOL BOARD NOMINATING COMMISSION AS ESTABLISHED UNDER § 3-2A-03 OF THE EDUCATION ARTICLE TO SUCCEED THOSE FOUR DEPARTING MEMBERS, EACH TO SERVE FOR A TERM OF 4 YEARS BEGINNING ON DECEMBER 3, 2018, UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

[(1) the term of the member whose term is scheduled to expire on June 30, 2015, shall expire at the end of December 6, 2015, and the Governor shall appoint a member to succeed that member to serve for a term of 4 years beginning on December 7, 2015, until a successor is appointed and qualifies;

(2) the term of the member whose term is scheduled to expire on June 30, 2016, shall expire at the end of December 4, 2016, and the Governor shall appoint a member to succeed that member to serve for a term of 4 years beginning on December 5, 2016, until a successor is appointed and qualifies; and

(3) the terms of the two members whose terms are scheduled to expire on June 30, 2018, shall expire at the end of December 2, 2018, and the Governor shall appoint two members from a list of nominees submitted by the Baltimore County School Board Nominating Commission as established by Section 1 of this Act to succeed those two departing members, each to serve for a term of 4 years beginning on December 3, 2018, until a successor is appointed and qualifies.]

(b) The terms of the seven members appointed from councilmanic districts 1, 2, 3, 4, 5, 6, and 7 of Baltimore County, or their successors, who are in office on June 1, 2016, shall terminate at the end of December 2, 2018, and the members elected from those councilmanic/school board districts in Baltimore County at the general election in

1 November 2018, shall succeed those appointed members and serve for a term of 4 years
2 beginning on December 3, 2018, until a successor is elected and qualifies.

3 SECTION 2. AND BE IT FURTHER ENACTED, That the Baltimore County School
4 Board Nominating Commission shall first convene on October 1, 2017, to begin preparing
5 its first set of recommendations to the Governor.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.