

HOUSE BILL 1114

F3

71r1374
CF SB 324

By: ~~Delegate Love~~ **Anne Arundel County Delegation**

Introduced and read first time: February 15, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, February 26, 2007

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2007

Returned to second reading: March 22, 2007

House action: Adopted with floor amendments

Read second time: March 22, 2007

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County – Board of Education – Appointment Process**

3 FOR the purpose of requiring the Governor to appoint a member of the Anne Arundel
4 County Board of Education from a list of nominees submitted by the School
5 Board Nominating Commission of Anne Arundel County; requiring the
6 Commission to hold certain public hearings before recommending to the
7 Governor nominees for appointment to the County Board; providing for the
8 establishment, purpose, membership, terms of office, and chair of the
9 Commission; requiring the Commission to submit to the Governor a certain list
10 of nominees for each nomination to the County Board beginning on a certain
11 date; authorizing members of the County Board to serve the remainder of a
12 member’s first term or a second consecutive term subject to the results of a
13 certain retention election at a certain time; specifying the process of
14 reappointment of members serving on the County Board as of a certain date;
15 specifying the terms of the initial members of the Commission; requiring the
16 County Board to provide written notice to the State Board of Elections of the
17 name of the member to be placed on a certain ballot at a certain time; providing

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.



1 that an incumbent member of the County Board is not required to file a certain
 2 certificate of candidacy for an election for continuance in office; providing
 3 certain members of the County Board certain compensation, payment for
 4 certain expenses, and eligibility for certain benefit programs; providing that this
 5 Act does not apply to the salary or compensation of the incumbent President
 6 and members of the Board; making a stylistic change; and generally relating to
 7 the ~~appointment process for members of the~~ Anne Arundel County Board of
 8 Education.

9 BY repealing and reenacting, with amendments,
 10 Article – Education
 11 Section 3–108(a) and (c) and 3–110
 12 Annotated Code of Maryland
 13 (2006 Replacement Volume)

14 ~~BY adding to~~
 15 ~~Article – Education~~
 16 ~~Section 3–110.1~~
 17 ~~Annotated Code of Maryland~~
 18 ~~(2006 Replacement Volume)~~

19 BY adding to
 20 Article – Election Law
 21 Section 5–301(h)
 22 Annotated Code of Maryland
 23 (2003 Volume and 2006 Supplement)

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

26 Article – Education

27 3–108.

28 (a) Except for the Baltimore City Board of School Commissioners established
 29 under § 3–108.1 of this subtitle [and], counties listed in § 3–114 of this subtitle, **AND**
 30 **SUBJECT TO THE PROVISIONS OF § 3–110 OF THIS SUBTITLE WITH RESPECT TO**
 31 **THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION**, the Governor shall appoint
 32 the members of each county board from the residents of that county.

33 (c) (1) Each member serves for a term of 5 years beginning July 1 after
 34 [his] **THE MEMBER’S** appointment and until a successor is appointed and qualifies.

1 (2) The Governor shall appoint a new member to fill any vacancy on
2 an appointed board for the remainder of that term and until a successor is appointed
3 and qualifies.

4 (3) Unless otherwise disqualified under this section, a member of a
5 board is eligible for reappointment. However, an individual may not serve for more
6 than 2 consecutive terms.

7 3-110.

8 (a) (1) The Anne Arundel County Board consists of ~~8~~ **9** members who
9 shall be appointed as follows:

10 [(1)] (I) ~~{3}~~ **2** from the county at large;

11 [(2)] (II) 1 each from Legislative Districts 30, 31, [and] **32, 33, AND**
12 **THAT PORTION OF LEGISLATIVE DISTRICT 21 THAT LIES WITHIN ANNE**
13 **ARUNDEL COUNTY; AND**

14 [(3)] 1 from either:

15 (i) Legislative District 32; or

16 (ii) That portion of Legislative District 21 that lies within Anne
17 Arundel County; and

18 [(4)] (III) 1 student member.

19 **(2) EXCEPT FOR THE STUDENT MEMBER, THE GOVERNOR SHALL**
20 **APPOINT A MEMBER OF THE COUNTY BOARD FROM A LIST OF NOMINEES**
21 **SUBMITTED BY THE SCHOOL BOARD NOMINATING COMMISSION OF ANNE**
22 **ARUNDEL COUNTY AS PROVIDED IN SUBSECTION (B) OF THIS SECTION.**

23 **(B) (1) (I) THERE IS A SCHOOL BOARD NOMINATING COMMISSION**
24 **OF ANNE ARUNDEL COUNTY.**

25 **(II) THE PURPOSE OF THE COMMISSION IS TO SELECT**
26 **NOMINEES TO BE RECOMMENDED TO THE GOVERNOR AS QUALIFIED**
27 **CANDIDATES FOR APPOINTMENT TO THE ANNE ARUNDEL COUNTY BOARD OF**
28 **EDUCATION.**

1 (III) THE COMMISSION SHALL HOLD AT LEAST TWO PUBLIC
2 HEARINGS ON THE SELECTION OF NOMINEES BEFORE RECOMMENDING TO THE
3 GOVERNOR NOMINEES FOR APPOINTMENT TO THE COUNTY BOARD.

4 (2) (I) THE COMMISSION CONSISTS OF 11 MEMBERS WHO
5 SHALL BE APPOINTED IN ACCORDANCE WITH THIS PARAGRAPH.

6 (II) THE GOVERNOR SHALL APPOINT FIVE MEMBERS, ONE
7 FROM EACH LEGISLATIVE DISTRICT THAT LIES IN WHOLE OR IN PART IN ANNE
8 ARUNDEL COUNTY.

9 (III) THE COUNTY EXECUTIVE OF ANNE ARUNDEL COUNTY
10 SHALL APPOINT ONE MEMBER FROM THE COUNTY AT LARGE.

11 (IV) THE FOLLOWING ORGANIZATIONS SHALL EACH
12 APPOINT ONE MEMBER:

13 1. THE TEACHERS ASSOCIATION OF ANNE
14 ARUNDEL COUNTY;

15 2. THE ANNAPOLIS AND ANNE ARUNDEL COUNTY
16 CHAMBER OF COMMERCE;

17 3. THE ANNE ARUNDEL COUNTY COUNCIL OF
18 PARENT TEACHER ASSOCIATIONS;

19 4. THE ANNE ARUNDEL COUNTY COMMUNITY
20 COLLEGE BOARD OF TRUSTEES; AND

21 5. THE ASSOCIATION OF EDUCATIONAL LEADERS
22 (AEL).

23 (3) (I) THE GOVERNOR SHALL DESIGNATE AS CHAIR OF THE
24 COMMISSION ONE OF THE FIVE MEMBERS APPOINTED BY THE GOVERNOR
25 UNDER SUBSECTION (B)(2)(II) OF THIS SECTION.

26 (II) THE TERM OF THE CHAIR OF THE COMMISSION IS 4
27 YEARS.

1 **(III) THE GOVERNOR MAY REAPPOINT THE CHAIR OF THE**
2 **COMMISSION FOR A SECOND TERM.**

3 **(IV) THE TERM OF A MEMBER OF THE COMMISSION IS 4**
4 **YEARS.**

5 **(4) BEGINNING JANUARY 1, 2008, FOR EACH NOMINATION TO**
6 **THE COUNTY BOARD, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR A**
7 **LIST OF NOMINEES THAT CONTAINS:**

8 **(I) AT LEAST TWO NAMES FOR EACH VACANCY; OR**

9 **(II) IF THERE ARE FEWER THAN TWO APPLICANTS FOR A**
10 **VACANCY, THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF**
11 **APPLICANTS FOR THE VACANCY.**

12 **(C) (1) FOLLOWING THE INITIAL APPOINTMENT OF A MEMBER OF**
13 **THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION BY THE GOVERNOR, A**
14 **MEMBER MAY CONTINUE TO SERVE FOR THE REMAINDER OF THE MEMBER'S**
15 **FIRST TERM SUBJECT TO THE APPROVAL OR REJECTION OF THE REGISTERED**
16 **VOTERS OF THE COUNTY AT THE NEXT GENERAL ELECTION.**

17 **(2) A MEMBER OF THE COUNTY BOARD MAY SERVE FOR A**
18 **SECOND CONSECUTIVE TERM SUBJECT TO THE APPROVAL OF OR REJECTION BY**
19 **THE REGISTERED VOTERS OF THE COUNTY AT THE NEXT GENERAL ELECTION.**

20 **(3) (I) THE APPROVAL OR REJECTION OF A MEMBER OF THE**
21 **COUNTY BOARD BY THE REGISTERED VOTERS OF THE COUNTY PROVIDED FOR**
22 **IN SUBPARAGRAPH (II) OF THIS PARAGRAPH SHALL BE A VOTE FOR THE**
23 **MEMBER'S RETENTION OR REMOVAL.**

24 **(II) ON RECEIPT OF THE NOTICE REQUIRED UNDER §**
25 **5-301(H) OF THE ELECTION LAW ARTICLE, THE NAME OF THE MEMBER OF THE**
26 **COUNTY BOARD SHALL BE PLACED ON THE APPROPRIATE BALLOT AND SHOWN,**
27 **WITHOUT OPPOSITION, AND THE VOTERS SHALL VOTE FOR OR AGAINST THE**
28 **MEMBER'S RETENTION AS A MEMBER OF THE COUNTY BOARD.**

29 **(4) IF THE VOTERS REJECT THE RETENTION OF THE MEMBER, OR**
30 **THE VOTE IS TIED:**

1 (I) THE POSITION SHALL BECOME VACANT 10 DAYS AFTER
2 CERTIFICATION OF THE ELECTION RETURNS; AND

3 (II) THE MEMBER SERVES UNTIL A SUCCESSOR IS
4 APPOINTED AND QUALIFIES.

5 [(b)] (D) (1) The student member shall:

6 (i) Be a regularly enrolled senior year student of good character
7 and in good standing in an Anne Arundel County public high school;

8 (ii) Be selected in the student's junior year by a method selected
9 by the Chesapeake Regional Association of Student Councils of Anne Arundel County;

10 (iii) 1. Serve a term of 1 year; and
11 2. Continue to serve after graduation and until a
12 successor is appointed and qualifies.

13 (2) If a vacancy in the position of the student member occurs during
14 the term of the student member, the Chesapeake Regional Association of Student
15 Councils shall:

16 (i) Conduct a special election at its next general meeting; and

17 (ii) By utilizing the same method that it used to select the
18 previous student member of the Board, select another student member to fill the
19 vacancy.

20 [(c)] (E) A Board member who does not maintain the residency qualification
21 shall be replaced as a member.

22 [(d)] (F) If the boundary line of a legislative district changes, an incumbent
23 member of the County Board who, because of the change, no longer resides in the
24 legislative district from which the member was appointed may complete the term.

25 ~~3-110.1.~~

26 ~~(A)~~ (G) THE PRESIDENT OF THE ANNE ARUNDEL COUNTY BOARD OF
27 EDUCATION IS ENTITLED TO RECEIVE \$14,000 \$8,000 ANNUALLY AS
28 COMPENSATION AND, EXCEPT FOR THE STUDENT MEMBER, THE OTHER BOARD

1 ~~MEMBERS ARE ENTITLED TO RECEIVE \$12,000 \$6,000 EACH ANNUALLY AS~~
2 ~~COMPENSATION.~~

3 ~~(B) AFTER SUBMITTING VOUCHERS UNDER THE RULES AND~~
4 ~~REGULATIONS ADOPTED BY THE COUNTY BOARD, THE PRESIDENT AND THE~~
5 ~~OTHER BOARD MEMBERS ARE ENTITLED TO RECEIVE REIMBURSEMENT FOR~~
6 ~~TRAVEL AND OTHER EXPENSES AS PROVIDED IN THE ANNE ARUNDEL COUNTY~~
7 ~~BUDGET.~~

8 ~~(C) THE EMPLOYER'S SHARE FOR STATE RETIREMENT AND PENSION~~
9 ~~CONTRIBUTIONS MADE ON BEHALF OF THE PRESIDENT AND OTHER BOARD~~
10 ~~MEMBERS MAY NOT BE CONSIDERED COMPENSATION FOR THE PURPOSE OF~~
11 ~~CALCULATING COMPENSATION UNDER SUBSECTION (A) OF THIS SECTION.~~

12 ~~(D) (1) THE PRESIDENT AND OTHER BOARD MEMBERS MAY~~
13 ~~PARTICIPATE IN HEALTH INSURANCE AND OTHER BENEFIT PROGRAMS~~
14 ~~SPONSORED BY THE BOARD.~~

15 ~~(2) A BOARD MEMBER'S PARTICIPATION IN A BENEFIT PROGRAM~~
16 ~~SPONSORED BY THE BOARD UNDER THIS SUBSECTION MAY NOT BE~~
17 ~~CONSIDERED COMPENSATION FOR THE PURPOSE OF CALCULATING~~
18 ~~COMPENSATION UNDER SUBSECTION (A) OF THIS SECTION.~~

19 Article - Election Law

20 5-301.

21 (H) (1) ON OR BEFORE AUGUST 31 IN THE YEAR IN WHICH A MEMBER
22 OF THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION MUST STAND FOR
23 CONTINUANCE IN OFFICE, THE ANNE ARUNDEL COUNTY BOARD OF
24 EDUCATION SHALL PROVIDE WRITTEN NOTICE TO THE STATE BOARD OF THE
25 NAME OF THE MEMBER THAT IS TO BE PLACED ON THE BALLOT AT THE NEXT
26 SUCCEEDING GENERAL ELECTION.

27 (2) AN INCUMBENT MEMBER OF THE ANNE ARUNDEL COUNTY
28 BOARD OF EDUCATION IS NOT REQUIRED TO FILE A CERTIFICATE OF
29 CANDIDACY FOR AN ELECTION FOR CONTINUANCE IN OFFICE.

30 SECTION 2. AND BE IT FURTHER ENACTED, That a member serving a first
31 term on the Anne Arundel County Board of Education on or before June 30, 2008:

1 (a) (1) shall be eligible to be included in the list of nominees submitted by
 2 the School Board Nominating Commission of Anne Arundel County to the Governor to
 3 serve a second term when the first term ends; and

4 (2) may be reappointed by the Governor to the Anne Arundel County
 5 Board of Education subject to the approval or rejection of the registered voters of the
 6 county at the next general election; and

7 (b) as provided in § 3-108(c)(3) of the Education Article, is not eligible to
 8 serve another consecutive term following the second term by a reappointment.

9 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
 10 members of the School Board Nominating Commission of Anne Arundel County shall
 11 expire January 18, 2009.

12 SECTION 4. AND BE IT FURTHER ENACTED, That, pursuant to Article III, §
 13 35 of the Maryland Constitution, this Act may not be construed to extend or apply to
 14 the salary or compensation of the President and members of the Anne Arundel County
 15 Board of Education in office on the effective date of this Act, but the provisions of this
 16 Act concerning the salary or compensation of the President and members of the Anne
 17 Arundel County Board of Education shall take effect at the beginning of the next
 18 following term of office.

19 SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
 20 effect July 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.