

HOUSE BILL 350

F3

4lr1944

By: **Delegates Haddaway–Ricchio and Eckardt**

Introduced and read first time: January 22, 2014

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Talbot County Board of Education – Lease of Public School**
3 **Facility**

4 FOR the purpose of authorizing the Talbot County Board of Education to lease a
5 public school facility to an organization that operates a certain educational and
6 recreational program, subject to a certain determination and certain limitations;
7 and generally relating to the authority of the Talbot County Board of Education
8 to lease a public school facility to certain organizations for certain purposes.

9 BY repealing and reenacting, with amendments,
10 Article – Education
11 Section 7–108
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2013 Supplement)

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

16 **Article – Education**

17 7–108.

18 (a) Each county board shall encourage the use of public school facilities for
19 community purposes.

20 (b) (1) If written application is made to the county superintendent, the
21 county board shall provide for the use of a public school facility for:

22 (i) The presentation and discussion of public questions;

23 (ii) Public speaking;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) Lectures; or

2 (iv) Other civic, educational, social, or recreational purposes or
3 church affiliated civic purposes.

4 (2) These meetings shall be open to the public.

5 (3) The county board may refuse the use of any school facility for these
6 purposes if it appears that the use is likely to:

7 (i) Provoke or add to a public riot or breach of the peace; or

8 (ii) Create a clear and present danger to the peace and welfare
9 of the county or State.

10 (c) Each county board may permit a partisan political organization that has
11 polled 10 percent or more of the entire vote cast in this State in the last general
12 election to use public school facilities for programs and meetings that relate to a
13 political campaign for nomination or election of a candidate to public office.

14 (d) Each county board may permit the use of public school facilities for
15 religious or other lawful purposes.

16 (e) Subject to § 7–109 of this subtitle, school facilities may be used only at
17 times that will not interfere with regular school sessions or other bona fide school
18 activities.

19 (f) In Montgomery County, nonschool use of school facilities for public and
20 community purposes and the manner by which costs associated with such use are
21 apportioned may be regulated by local law consistent with the use criteria set forth in
22 § 7–110 of this subtitle and not inconsistent with any other provisions of this article.
23 The local law authorized by this subsection may provide for an interagency
24 coordinating board and for the appointment of its members by Montgomery County.
25 Membership may include the Superintendent of Schools, the President of Montgomery
26 College, the members of the Montgomery County Planning Board, and such other
27 members as may be provided by the local law.

28 **(G) IN TALBOT COUNTY, THE COUNTY BOARD MAY ENTER INTO A LEASE**
29 **WITH AN ORGANIZATION THAT OPERATES A COMMUNITY–BASED EDUCATIONAL**
30 **AND RECREATIONAL PROGRAM TO USE A PUBLIC SCHOOL FACILITY IF:**

31 **(1) THE COUNTY BOARD DOES NOT ANTICIPATE A NEED FOR THE**
32 **PUBLIC SCHOOL FACILITY DURING THE TERM OF THE LEASE;**

1 **(2) THE COUNTY BOARD DETERMINES THAT THE PUBLIC SCHOOL**
2 **SYSTEM WILL BENEFIT IF THE ORGANIZATION OPERATES A COMMUNITY-BASED**
3 **EDUCATIONAL AND RECREATIONAL FACILITY AT THE PUBLIC SCHOOL FACILITY;**
4 **AND**

5 **(3) THE LEASE TERM IS NOT LONGER THAN 99 YEARS.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2014.