

BY: Delegates Dembrow and Genn

AMENDMENTS TO SENATE BILL NO. 795, AS AMENDED

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 6, after "System;" insert "imposing certain venue rules for certain education adequacy or constitutionality of education actions under certain circumstances;".

On page 3 of the bill, in line 1, before "making" insert "providing for the application of certain venue rules;"; and after line 8, insert:

"BY adding to

Article - Courts and Judicial Proceedings

Section 6-203(f)

Annotated Code of Maryland

(1995 Replacement Volume and 1996 Supplement)".

AMENDMENT NO. 2

On page 4 of the bill, after line 6, insert:

"Article - Courts and Judicial Proceedings

6-203.

(F) (1) (I) THE VENUE FOR AN ACTION INVOLVING A CHALLENGE TO, OR WHICH CALLS INTO QUESTION, EITHER THE CONSTITUTIONAL ADEQUACY OF THE EDUCATION PROVIDED TO STUDENTS OR THE CONSTITUTIONALITY OF THE EDUCATION SYSTEM IN ANY JURISDICTION IN THE STATE, SHALL BE THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY.

(II) IF AN ACTION INVOLVING A CHALLENGE TO, OR WHICH

(Over)

CALLS INTO QUESTION, EITHER THE CONSTITUTIONAL ADEQUACY OF THE EDUCATION PROVIDED TO STUDENTS OR THE CONSTITUTIONALITY OF THE EDUCATION SYSTEM IN ANY JURISDICTION IN THE STATE IS FILED IN A COURT OTHER THAN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, THE ACTION SHALL BE TRANSFERRED TO THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY.

(2) UPON THE FILING OR TRANSFER OF AN ACTION SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION, THE ADMINISTRATIVE JUDGE OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY OR, IN THE ABSENCE OF THE ADMINISTRATIVE JUDGE, THE CHIEF JUDGE OF THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, SHALL, AT ONCE, ON ITS OWN OR IN RESPONSE TO A MOTION FROM A NAMED PARTY, CERTIFY IN WRITING TO THE COURT OF APPEALS THAT AN ACTION, AS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION, HAS BEEN FILED IN OR TRANSFERRED TO THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY UNDER THE PROVISIONS OF THIS SUBSECTION.

(3) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, UPON RECEIPT OF THE CERTIFICATION SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COURT OF APPEALS SHALL ASSIGN A JUDGE TO HEAR AND DECIDE ALL ISSUES IN THE ACTION.

(II) THE COURT OF APPEALS MAY NOT ASSIGN TO AN ACTION SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION ANY JUDGE OF A JURISDICTION WHOSE EDUCATION SYSTEM OR THE ADEQUACY OF THE EDUCATION OF THE STUDENTS IN THAT JURISDICTION IS AT ISSUE IN THE ACTION.

(III) IF AN ACTION SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION CALLS INTO QUESTION THE CONSTITUTIONALITY OF THE EDUCATION OF STUDENTS, OR THE CONSTITUTIONALITY OF THE EDUCATION SYSTEM IN ALL COUNTIES AND BALTIMORE CITY, THE COURT OF APPEALS SHALL ASSIGN A JUDGE FROM THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY TO HEAR AND DECIDE ALL ISSUES IN THE ACTION.”.

On page 14 of the Appropriations Committee Amendments (SB0795/784636/1), in line 2 from the bottom of Amendment No. 9, after “\$1,100,000.” insert:

“SECTION 30. AND BE IT FURTHER ENACTED, That the provisions of § 6-203(f) of the Courts and Judicial Proceedings Article, as enacted by this Act, shall:

(a) Apply to all education adequacy or constitutionality of education actions filed on or after the effective date of this Act; and

(b) Be construed retroactively and apply to all education adequacy or constitutionality of education actions pending, waiting appeal, or waiting final decision on appeal, on the effective date of this Act.”;

and in the last line of Amendment No. 9, strike “30.” and substitute “31.”.