

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL NO. 1311

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Appointment of Members" and substitute "Districts and Membership"; in line 4, after "purpose of" insert "redistricting the school board districts of Prince George's County to reduce the number of districts;"; in the same line, strike "requiring that" and substitute "restructuring"; in the same line, strike "members" and substitute "membership"; in line 5, after "Board)" insert "to require certain members to"; in the same line, strike "appointed rather than"; in the same line, after "elected" insert "at large and certain members to be elected from school board districts"; strike beginning with "establishing" in line 5 down through "Board;" in line 10 and substitute "providing for the terms of office of the members elected at large and from school board districts; repealing certain obsolete provisions;"; strike beginning with "repealing" in line 12 down through "Board;" in line 13; in line 14, strike "requirement that the members" and substitute "membership"; in line 15, strike "be appointed rather than elected"; and strike in their entirety lines 16 through 21, inclusive, and substitute:

"BY repealing

Article - Education

Section 3-1001

Annotated Code of Maryland

(1999 Replacement Volume and 2000 Supplement)".

On pages 1 and 2, strike in their entirety the lines beginning with line 27 on page 1 through line 2 on page 2 and substitute:

"BY adding to

Article - Education

Section 3-1001

Annotated Code of Maryland

(Over)

(1999 Replacement Volume and 2000 Supplement)”.

On page 2, in line 5, strike “3-114(a)” and substitute “3-1002”; and strike in their entirety lines 8 through 13, inclusive.

AMENDMENT NO. 2

On page 2, in line 15, strike “3-1003 through 3-1007, respectively,” and substitute “3-1001”; and strike beginning with “renumbered” in line 16 down through “respectively” in line 17 and substitute “repealed”.

On pages 3 through 7, strike in their entirety the lines beginning with line 27 on page 3 through line 7 on page 7, and substitute:

“3-1001.

(A) THE DESCRIPTIONS OF SCHOOL BOARD DISTRICTS, INCLUDING ALL REFERENCES TO ELECTION DISTRICTS AND PRECINCTS, ARE TO GEOGRAPHICAL BOUNDARIES OF THE ELECTION DISTRICTS AND PRECINCTS, AS REVIEWED AND CERTIFIED BY THE PRINCE GEORGE’S COUNTY BOARD OF SUPERVISORS OF ELECTIONS AS PART OF THE 1990 CENSUS REDISTRICTING DATA PROGRAM.

(B) SCHOOL BOARD DISTRICT I CONSISTS OF:

- (1) ELECTION DISTRICT 1;
- (2) ELECTION DISTRICT 10, PRECINCTS 1 THROUGH 9;
- (3) ELECTION DISTRICT 17, PRECINCTS 6, 7, AND 9 THROUGH 15; AND
- (4) ELECTION DISTRICT 21, PRECINCTS 1, 4, 5, 10, 12, 14, AND 15.

(C) SCHOOL BOARD DISTRICT II CONSISTS OF:

- (1) ELECTION DISTRICTS 2, 16, AND 19;
- (2) ELECTION DISTRICT 13, PRECINCT 2;
- (3) ELECTION DISTRICT 17, PRECINCTS 1, 2, 3, 5, AND 8;

- (4) ELECTION DISTRICT 18, PRECINCTS 1 THROUGH 5, 7, 8, AND 10;
- (5) ELECTION DISTRICT 20, PRECINCT 8; AND
- (6) ELECTION DISTRICT 21, PRECINCTS 2, 7, 8, AND 9.

(D) SCHOOL BOARD DISTRICT III CONSISTS OF:

- (1) ELECTION DISTRICTS 3, 7, AND 14;
- (2) ELECTION DISTRICT 10, PRECINCT 10;
- (3) ELECTION DISTRICT 13, PRECINCT 5;
- (4) ELECTION DISTRICT 15, PRECINCTS 1 AND 3;
- (5) ELECTION DISTRICT 20, PRECINCTS 1 THROUGH 7 AND 9; AND
- (6) ELECTION DISTRICT 21, PRECINCTS 3, 6, 11, 13, AND 16.

(E) SCHOOL BOARD DISTRICT IV CONSISTS OF:

- (1) ELECTION DISTRICT 6, PRECINCTS 1, 3 THROUGH 12, AND 14 THROUGH 22;
- (2) ELECTION DISTRICT 12, PRECINCTS 3 AND 13;
- (3) ELECTION DISTRICT 13, PRECINCTS 1, 3, 4, 6, 7, 8, 10, AND 11;
- (4) ELECTION DISTRICT 15, PRECINCT 2; AND
- (5) ELECTION DISTRICT 18, PRECINCT 6.

(F) SCHOOL BOARD DISTRICT V CONSISTS OF:

(1) ELECTION DISTRICTS 4, 8, 9, AND 11;

(2) ELECTION DISTRICT 5, PRECINCTS 1 THROUGH 6;

(3) ELECTION DISTRICT 6, PRECINCTS 2 AND 13; AND

(4) ELECTION DISTRICT 12, PRECINCTS 1, 2, 4 THROUGH 12, AND 14.

(G) BEGINNING IN 2001, THE SCHOOL BOARD DISTRICTS SHALL BE REDISTRICTED EVERY 10 YEARS BASED ON THE LATEST U.S. CENSUS DATA.

3-1002.

(a) In this subtitle, "elected member" means one of the nine elected members of the Prince George's County Board or a member appointed to fill a vacancy of one of these nine members.

(b) (1) The Prince George's County Board consists of nine elected members and one student member selected under subsection (f)(2) of this section.

(2) FIVE OF THE NINE ELECTED MEMBERS SHALL BE ELECTED BASED ON THE SCHOOL BOARD DISTRICT THEY REPRESENT, WITH ONE MEMBER ELECTED FROM EACH DISTRICT.

(3) FOUR OF THE NINE ELECTED MEMBERS SHALL BE ELECTED AT LARGE FROM THE COUNTY AS A WHOLE.

(c) (1) A candidate for the County Board shall be a resident of Prince George's County for at least 3 years and a registered voter of the County before the election.

(2) From the time of filing as a candidate for election, each candidate for THE

SCHOOL BOARD DISTRICT POSITIONS OF the County Board shall reside in the school board district the candidate seeks to represent.

(3) An elected County Board member shall forfeit the office if the member:

(i) [Fails] IN THE CASE OF A MEMBER ELECTED TO REPRESENT A SCHOOL BOARD DISTRICT, FAILS to reside in the school board district from which the member was elected, unless this change is caused by a change in the boundaries of the district; or

(ii) Fails to be a registered voter of the County.

(4) A County Board member may not hold another office of profit in county government during the member's term.

(5) Each elected member of the County Board shall be nominated by the registered voters of the member's school board district.

(d) Members of the Prince George's County Board shall be elected:

(1) [At] SUBJECT TO SUBSECTION (G) OF THIS SECTION, AT the general election every [2] 4 years [as required by subsection (g) of this section], BEGINNING WITH THE GENERAL ELECTION OF NOVEMBER 2002; and

(2) (I) [By] IN THE CASE OF MEMBERS ELECTED FROM SCHOOL BOARD DISTRICTS, BY the registered voters of the member's school board district; OR

(II) IN THE CASE OF MEMBERS ELECTED AT LARGE, BY THE REGISTERED VOTERS OF THE COUNTY, WITH THE FOUR CANDIDATES RECEIVING THE FIRST, SECOND, THIRD, AND FOURTH HIGHEST NUMBER OF VOTES IN THE AT-LARGE ELECTION, RESPECTIVELY, BEING ELECTED TO THE FOUR AT-LARGE POSITIONS.

(e) (1) If a candidate for the County Board dies or withdraws the candidacy during

(Over)

the period beginning with the date of the primary and ending 70 days before the date of the general election, the Board of Supervisors of Elections shall:

(i) Replace the name of the deceased or withdrawn candidate on the ballot for the general election with the name of the candidate who received the next highest number of votes in the primary election; or

(ii) If a contested primary was not held, reopen the filing process to allow other persons to file as candidates.

(2) (i) Except as otherwise provided in subparagraph (ii) of this paragraph, the Board of Supervisors of Elections shall add to the ballot for the general election the name of any person who files as a candidate in accordance with paragraph (1)(ii) of this subsection.

(ii) The Board of Supervisors of Elections may not add additional candidates to the ballot for the general election within 70 days before the date of the election.

(f) (1) The student member shall be an eleventh or twelfth grade student in the Prince George's County public school system during the student's term in office.

(2) An eligible student shall file a nomination form at least 2 weeks before a special election meeting of the Prince George's regional association of student governments. Nomination forms shall be made available in the administrative offices of all public senior high schools in the County, the office of student concerns, and the office of the president of the regional association. The delegates to the regional association annually shall elect the student member to the Board at a special election meeting to be held each school year.

(3) The student member may vote on all matters before the Board except those relating to:

(i) Capital and operating budgets;

(ii) School closings, reopenings, and boundaries;

(iii) Collective bargaining decisions;

(iv) Student disciplinary matters;

(v) Teacher and administrator disciplinary matters as provided under § 6-202(a) of this article; and

(vi) Other personnel matters.

(4) On an affirmative vote of a majority of the elected members of the County Board, the Board may determine if a matter before the Board relates to a subject that the student member may not vote on under paragraph (3) of this subsection.

(5) Unless invited to attend by an affirmative vote of a majority of the County Board, the student member may not attend an executive session that relates to hearings on appeals of special education placements, hearings held under § 6-202(a) of this article, or collective bargaining.

(6) The Prince George's Regional Association of Student Governments may establish procedures for the election of the student member of the County Board.

(7) The election procedures established by the Prince George's Regional Association of Student Governments are subject to the approval of the elected members of the County Board.

(g) (1) An elected member serves for a term of 4 years beginning on the first Monday in December after the member's election and until a successor is elected and qualifies.

(2) The terms of ELECTED members are staggered as required by the terms of the members serving on the County Board [as of July 1, 1978] ON DECEMBER 4, 2002.

[(2)] (3) The student member serves for a term of 1 year beginning at the end of a school year.

[(3)] (4) Subject to the confirmation of the County Council, the County

Executive of Prince George's County shall appoint a qualified individual to fill any vacancy on the County Board until a successor is elected and qualifies at the next Congressional election.

[(h) (1) The County Board members from school board districts II, V, and VIII who were elected for the first time at the November 6, 1973 election serve until the first Monday in December 1978 and may seek reelection in 1978 for a 4-year term.

(2) The members from school board districts III, VI, and IX who were elected at the November 6, 1973 election serve until the first Monday in December, 1980 and may seek reelection in 1980 for a 4-year term.]

[(i) (H) (1) With the approval of the Governor, the State Board may remove a member of the County Board for any of the following reasons:

(i) Immorality;

(ii) Misconduct in office;

(iii) Incompetency; or

(iv) Willful neglect of duty.

(2) Before removing a member, the State Board shall send the member a copy of the charges pending and give the member an opportunity within 10 days to request a hearing.

(3) If the member requests a hearing within the 10-day period:

(i) The State Board promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Board sends the member a notice of the hearing; and

(ii) The member shall have an opportunity to be heard publicly before the State Board in the member's own defense, in person or by counsel.

(4) A member removed under this subsection has the right to a de novo review of



the removal by the Circuit Court for Prince George's County.

AMENDMENT NO. 3

On page 7, strike in their entirety lines 8 through 10, inclusive.

AMENDMENT NO. 4

On page 7, in line 11, strike "4." and substitute "3."; in line 12, strike "30" and substitute "1"; in the same line, after "2002" insert ", or of their successors selected to fill a vacancy,"; and in line 13, strike "on July 1" and substitute "at the end of December 3".

AMENDMENT NO. 5

On page 7, after line 13, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of § 3-1002(g)(1) of the Education Article, as enacted by this Act, the terms of the members elected to the Prince George's County Board at the November 2002 general election shall be as follows:

- (1) 4 years for each member elected to represent a school board election district; and
- (2) 2 years for each member elected at large.";

and in line 15, strike "July" and substitute "June".