
By: **Senator Hughes**
Introduced and read first time: February 15, 2002
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Enoch Pratt Free Library of Baltimore City - Board of Trustees**

3 FOR the purpose of requiring a nominating committee to appoint the members of the
4 Board of Trustees of the Enoch Pratt Free Library of Baltimore City; providing
5 for the composition of the nominating committee; providing for the composition
6 of the board; requiring that each member of the board reside in Baltimore City;
7 requiring certain members of the board be appointed from certain councilmanic
8 districts; establishing term limits for members of the board; prohibiting the
9 board from establishing a board of directors or delegating certain powers or
10 duties; requiring the board to meet at certain times; requiring that the Enoch
11 Pratt Free Library consist of certain branches; providing that the Enoch Pratt
12 Free Library is a public agency of Baltimore City and a State agency; providing
13 that this Act supersedes any contrary provisions of existing laws pertaining to
14 the Enoch Pratt Free Library; and generally relating to the Enoch Pratt Free
15 Library of Baltimore City.

16 BY repealing and reenacting, without amendments,
17 Article - Education
18 Section 23-201
19 Annotated Code of Maryland
20 (2001 Replacement Volume)

21 BY repealing and reenacting, with amendments,
22 Article - Education
23 Section 23-402(a)
24 Annotated Code of Maryland
25 (2001 Replacement Volume)

26 BY adding to
27 Article - Education
28 Section 23-402(e), (f), (g), and (h)
29 Annotated Code of Maryland
30 (2001 Replacement Volume)

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

3 **Article - Education**

4 23-201.

5 (a) The Central Library of the Enoch Pratt Free Library System is the State
6 Library Resource Center.

7 (b) The State Library Resource Center shall provide and expand access to
8 specialized library materials and services that are necessary for coordinated,
9 efficient, and economical library services in this State.

10 23-402.

11 (a) (1) [The] EXCEPT AS PROVIDED UNDER SUBSECTIONS (F), (G), AND (H)
12 OF THIS SECTION, THE Mayor and City Council of Baltimore CITY shall be governed
13 by the requirements and regulations pertaining to the Enoch Pratt Free Library of
14 Baltimore City as provided in Chapter 181 of the Acts of 1882 and any other laws
15 applicable to the operation of public libraries.

16 (2) [The] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION,
17 THE powers and duties of the Board of Trustees of the Enoch Pratt Free Library are
18 as provided in Chapter 181 of the Acts of 1882 and the Charter and the Articles of
19 Incorporation of the Enoch Pratt Free Library and other laws applicable to the Board
20 of Trustees of the Enoch Pratt Free Library.

21 (F) (1) (I) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 181 OF THE
22 ACTS OF 1882, A NOMINATING COMMITTEE CONSISTING OF 13 INDIVIDUALS SHALL
23 APPOINT THE MEMBERS OF THE BOARD OF TRUSTEES OF THE ENOCH PRATT FREE
24 LIBRARY ON OR BEFORE OCTOBER 1, 2002.

25 (II) THE NOMINATING COMMITTEE CONSISTS OF:

26 1. THE MAYOR OF BALTIMORE CITY, THE MAYOR'S VISITOR
27 TO THE BOARD OF TRUSTEES OF THE ENOCH PRATT FREE LIBRARY IN ACCORDANCE
28 WITH CHAPTER 181 OF THE ACTS OF 1882, OR THE MAYOR'S DESIGNEE;

29 2. ONE BALTIMORE CITY COUNCIL MEMBER FROM EACH
30 COUNCILMANIC DISTRICT, DESIGNATED BY THE PRESIDENT OF THE BALTIMORE
31 CITY COUNCIL;

32 3. FOUR DELEGATES FROM THE BALTIMORE CITY
33 DELEGATION IN THE GENERAL ASSEMBLY, DESIGNATED BY THE CHAIRMAN OF THE
34 BALTIMORE CITY DELEGATION; AND

35 4. TWO SENATORS FROM THE BALTIMORE CITY SENATE
36 DELEGATION IN THE GENERAL ASSEMBLY, DESIGNATED BY THE CHAIRMAN OF THE
37 BALTIMORE CITY SENATORS.

1 (III) MEMBERS OF THE NOMINATING COMMITTEE SHALL BE
2 DESIGNATED ON OR BEFORE AUGUST 31, 2002.

3 (2) A NOMINEE TO THE BOARD OF TRUSTEES OF THE ENOCH PRATT
4 FREE LIBRARY SHALL:

5 (I) ACTIVELY PARTICIPATE IN A CIVIC ORGANIZATION;

6 (II) PARTICIPATE AS A COMMUNITY ACTIVIST IN BALTIMORE CITY
7 AND STATE LIBRARY ISSUES; OR

8 (III) DEMONSTRATE SIGNIFICANT SERVICE TO PUBLIC LIBRARIES
9 AS A VOLUNTEER.

10 (3) (I) AFTER OCTOBER 1, 2002, WHEN A VACANCY ON THE BOARD OF
11 TRUSTEES OF THE ENOCH PRATT FREE LIBRARY OCCURS, THE BOARD OF TRUSTEES
12 MAY RECOMMEND TO THE NOMINATING COMMITTEE A LIST OF NOMINEES THAT
13 MUST MEET THE REQUIREMENTS UNDER PARAGRAPH (2) OF THIS SUBSECTION.

14 (II) THE NOMINATING COMMITTEE MAY APPOINT A MEMBER TO
15 THE BOARD OF TRUSTEES FROM THE LIST OF NOMINEES PROVIDED BY THE BOARD
16 OF TRUSTEES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

17 (4) THE BOARD OF TRUSTEES OF THE ENOCH PRATT FREE LIBRARY
18 SHALL CONSIST OF NOT LESS THAN SEVEN AND NO MORE THAN NINE MEMBERS.

19 (5) EACH MEMBER APPOINTED TO SERVE ON THE BOARD OF TRUSTEES
20 OF THE ENOCH PRATT FREE LIBRARY SHALL BE A RESIDENT OF BALTIMORE CITY AT
21 THE TIME THE MEMBER IS APPOINTED TO THE BOARD OF TRUSTEES.

22 (6) IF A MEMBER APPOINTED TO SERVE ON THE BOARD OF TRUSTEES OF
23 THE ENOCH PRATT FREE LIBRARY FAILS TO RESIDE IN BALTIMORE CITY AT ANY
24 TIME DURING THE MEMBER'S TERM, THE MEMBER SHALL BE CONSIDERED TO HAVE
25 RESIGNED.

26 (7) (I) THERE SHALL BE AT LEAST ONE MEMBER APPOINTED FROM
27 EACH OF THE SIX COUNCILMANIC DISTRICTS OF BALTIMORE CITY AND NO MORE
28 THAN TWO MEMBERS APPOINTED FROM ANY SINGLE COUNCILMANIC DISTRICT.

29 (II) EACH MEMBER APPOINTED SHALL RESIDE IN THE
30 COUNCILMANIC DISTRICT FROM WHICH THE MEMBER IS APPOINTED.

31 (8) A MEMBER OF THE BOARD OF TRUSTEES OF THE ENOCH PRATT FREE
32 LIBRARY SERVES FOR A TERM OF 5 YEARS AND BEGINS ON OCTOBER 1.

33 (9) A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED TERM:

34 (I) SERVES ONLY FOR THE REMAINDER OF THAT TERM UNTIL A
35 SUCCESSOR IS APPOINTED; AND

1 (II) IS ELIGIBLE FOR APPOINTMENT TO SERVE TWO ADDITIONAL
2 TERMS.

3 (10) THE TERMS OF THE MEMBERS OF THE BOARD OF TRUSTEES OF THE
4 ENOCH PRATT FREE LIBRARY ARE STAGGERED AS REQUIRED BY THE TERMS
5 PROVIDED FOR MEMBERS ON OCTOBER 1, 2002.

6 (11) (I) A MEMBER OF THE BOARD OF TRUSTEES OF THE ENOCH PRATT
7 FREE LIBRARY MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

8 (II) A MEMBER WHO SERVED ON THE BOARD OF TRUSTEES OF THE
9 ENOCH PRATT FREE LIBRARY BEFORE OCTOBER 1, 2002 FOR 5 OR MORE YEARS IS
10 CONSIDERED TO HAVE COMPLETED ONE TERM FOR EACH 5 YEARS OF SERVICE AND
11 THIS CALCULATION APPLIES TO THE TERM LIMITS ESTABLISHED UNDER
12 SUBPARAGRAPH (1) OF THIS PARAGRAPH.

13 (G) (1) THE BOARD OF TRUSTEES OF THE ENOCH PRATT FREE LIBRARY MAY
14 NOT:

15 (I) CREATE A BOARD OF DIRECTORS; OR

16 (II) DELEGATE ANY OF ITS POWERS OR DUTIES TO ANY OTHER
17 PERSON.

18 (2) THE BOARD OF TRUSTEES OF THE ENOCH PRATT FREE LIBRARY
19 SHALL MEET AT LEAST ONCE EACH MONTH.

20 (3) ANY MEMBER OF THE BOARD OF TRUSTEES OF THE ENOCH PRATT
21 FREE LIBRARY WHO FAILS TO ATTEND AT LEAST SIX OF THE SCHEDULED MEETINGS
22 OF THE BOARD DURING ANY CALENDAR YEAR SHALL BE REMOVED FROM THE BOARD
23 OF TRUSTEES.

24 (4) ALL OFFICERS OF THE BOARD OF TRUSTEES OF THE ENOCH PRATT
25 FREE LIBRARY SHALL BE MEMBERS OF THE BOARD OF TRUSTEES.

26 (5) THE BOARD OF TRUSTEES OF THE ENOCH PRATT FREE LIBRARY MAY
27 ESTABLISH A LIBRARY FOUNDATION TO RAISE FUNDS FOR PROGRAMS AND
28 PROJECTS FOR THE ENOCH PRATT FREE LIBRARY.

29 (H) (1) THE ENOCH PRATT FREE LIBRARY SHALL CONSIST OF ONE CENTRAL
30 LIBRARY THAT IS ALSO THE STATE LIBRARY RESOURCE CENTER UNDER § 23-201 OF
31 THIS TITLE AND AT LEAST 21 BRANCHES LOCATED IN VARIOUS PARTS OF BALTIMORE
32 CITY.

33 (2) THE ENOCH PRATT FREE LIBRARY IS A PUBLIC AGENCY OF THIS
34 STATE AND A PUBLIC AGENCY OF BALTIMORE CITY.

35 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
36 members of the Board of Trustees of the Enoch Pratt Free Library shall expire as
37 follows:

- 1 (1) One member in 2003;
- 2 (2) Two members in 2004;
- 3 (3) Two members in 2005;
- 4 (4) Two members in 2006; and
- 5 (5) Two members in 2007.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall supersede
7 any contrary provisions of existing laws pertaining to the Enoch Pratt Free Library of
8 Baltimore City.

9 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2002.