
By: **Senators Hughes and Conway**
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Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
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CHAPTER _____

1 AN ACT concerning

2 ~~**Enoch Pratt Free Library of Baltimore City – Board of Trustees**~~
3 ~~**Task Force to Study the Governing Governance and Fiscal Structure of the**~~
4 ~~**Enoch Pratt Free Library System**~~

5 FOR the purpose of ~~requiring certain elected officials to appoint the members of the~~
6 ~~Board of Trustees of the Enoch Pratt Free Library of Baltimore City; providing~~
7 ~~for the composition of the Board; requiring that each member of the Board~~
8 ~~reside in Baltimore City; requiring certain members of the Board be appointed~~
9 ~~from certain councilmanic districts and legislative districts; establishing term~~
10 ~~limits for members of the Board; prohibiting the Board from establishing a~~
11 ~~board of directors or management board or delegating certain powers or duties;~~
12 ~~requiring the Board to meet at certain times; requiring that the Enoch Pratt~~
13 ~~Free Library consist of certain branches; providing that the Enoch Pratt Free~~
14 ~~Library is a public agency of Baltimore City and a State agency; providing that~~
15 ~~this Act supersedes any contrary provisions of existing laws pertaining to the~~
16 ~~Enoch Pratt Free Library; creating a Task Force to Study the Governing~~
17 ~~Governance and Fiscal Structure of the Enoch Pratt Free Library System;~~
18 ~~providing for the membership of the Task Force; requiring the members of the~~
19 ~~Task Force to elect the chairman; providing the staffing for the Task Force;~~
20 ~~prohibiting a member of the Task Force from receiving compensation; requiring~~
21 ~~the Task Force to study the governing structure of the Enoch Pratt Free Library~~
22 ~~System for certain defects or impediments, including the established system for~~
23 ~~appointing the board of directors and the board of trustees; requiring the Task~~
24 ~~Force to study the fiscal structure of the Enoch Pratt Free Library System for~~
25 ~~certain defects or impediments; requiring the Task Force to make certain~~
26 ~~recommendations; requiring the Task Force to submit a certain report to the~~
27 ~~General Assembly on or before a certain date; and generally relating to the~~
28 Enoch Pratt Free Library of Baltimore City.

1 ~~BY repealing and reenacting, without amendments,~~
 2 ~~Article—Education~~
 3 ~~Section 23-201~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2001 Replacement Volume and 2002 Supplement)~~

6 ~~BY repealing and reenacting, with amendments,~~
 7 ~~Article—Education~~
 8 ~~Section 23-402(a)~~
 9 ~~Annotated Code of Maryland~~
 10 ~~(2001 Replacement Volume and 2002 Supplement)~~

11 ~~BY adding to~~
 12 ~~Article—Education~~
 13 ~~Section 23-402(f), (g), and (h)~~
 14 ~~Annotated Code of Maryland~~
 15 ~~(2001 Replacement Volume and 2002 Supplement)~~

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

18 **~~Article—Education~~**

19 ~~23-201.~~

20 (a) ~~The Central Library of the Enoch Pratt Free Library System is the State~~
 21 ~~Library Resource Center.~~

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

25 ~~23-402.~~

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

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

1 ~~(F) (1) NOTWITHSTANDING THE PROVISIONS OF CHAPTER 181 OF THE ACTS~~
2 ~~OF 1882, ON OR BEFORE FEBRUARY 1, 2004, THE FOLLOWING INDIVIDUALS SHALL~~
3 ~~JOINTLY APPOINT THE MEMBERS OF THE BOARD OF TRUSTEES OF THE ENOCH~~
4 ~~PRATT FREE LIBRARY:~~

5 ~~(I) THE MAYOR OF BALTIMORE CITY OR THE MAYOR'S DESIGNEE;~~

6 ~~(II) THE MEMBERS OF THE BALTIMORE CITY COUNCIL;~~

7 ~~(III) THE BALTIMORE CITY HOUSE OF DELEGATES DELEGATION IN~~
8 ~~THE GENERAL ASSEMBLY; AND~~

9 ~~(IV) THE BALTIMORE CITY SENATE DELEGATION IN THE GENERAL~~
10 ~~ASSEMBLY.~~

11 ~~(2) A MEMBER OF THE BOARD OF TRUSTEES SHALL BE:~~

12 ~~(I) NOMINATED IN ACCORDANCE WITH THE PROVISIONS OF~~
13 ~~PARAGRAPH (3) OF THIS SUBSECTION; AND~~

14 ~~(II) APPOINTED UPON APPROVAL BY A MAJORITY VOTE OF THE~~
15 ~~BALTIMORE CITY COUNCIL, THE BALTIMORE CITY HOUSE OF DELEGATES~~
16 ~~DELEGATION, AND THE BALTIMORE CITY SENATE DELEGATION.~~

17 ~~(3) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS~~
18 ~~SUBSECTION, THE BOARD OF TRUSTEES SHALL CONSIST OF THE MEMBERS~~
19 ~~NOMINATED AS FOLLOWS:~~

20 ~~(I) ONE MEMBER NOMINATED BY THE MAYOR OF BALTIMORE CITY~~
21 ~~OR THE MAYOR'S DESIGNEE;~~

22 ~~(II) ONE MEMBER NOMINATED FROM EACH OF THE 14~~
23 ~~COUNCILMANIC DISTRICTS BY THE COUNCIL MEMBER WHO REPRESENTS THAT~~
24 ~~DISTRICT; AND~~

25 ~~(III) ONE MEMBER NOMINATED FROM EACH OF THE LEGISLATIVE~~
26 ~~DISTRICTS BY THE MEMBERS OF THE HOUSE OF DELEGATES AND SENATE WHO~~
27 ~~REPRESENT THAT DISTRICT.~~

28 ~~(4) MEMBERS OF THE BALTIMORE CITY COUNCIL, SENATE, AND HOUSE~~
29 ~~OF DELEGATES SHALL NOMINATE INDIVIDUALS WHO RESIDE IN THEIR RESPECTIVE~~
30 ~~DISTRICTS.~~

31 ~~(5) A NOMINEE TO THE BOARD OF TRUSTEES OF THE ENOCH PRATT~~
32 ~~FREE LIBRARY SHALL:~~

33 ~~(I) ACTIVELY PARTICIPATE IN A CIVIC ORGANIZATION;~~

34 ~~(II) PARTICIPATE AS A COMMUNITY ADVOCATE IN BALTIMORE CITY~~
35 ~~OR STATE LIBRARY ISSUES; OR~~

1 (III) ~~DEMONSTRATE SIGNIFICANT SERVICE TO PUBLIC LIBRARIES~~
2 ~~AS A VOLUNTEER.~~

3 (6) ~~AFTER FEBRUARY 1, 2004, WHEN A VACANCY ON THE BOARD OF~~
4 ~~TRUSTEES OF THE ENOCH PRATT FREE LIBRARY OCCURS, AN INDIVIDUAL SHALL BE~~
5 ~~NOMINATED AND APPOINTED AS PROVIDED UNDER THIS SUBSECTION.~~

6 (7) (I) ~~EACH MEMBER APPOINTED TO SERVE ON THE BOARD OF~~
7 ~~TRUSTEES OF THE ENOCH PRATT FREE LIBRARY SHALL BE A RESIDENT OF~~
8 ~~BALTIMORE CITY AT THE TIME THE MEMBER IS APPOINTED TO THE BOARD OF~~
9 ~~TRUSTEES.~~

10 (II) ~~IF A MEMBER APPOINTED TO SERVE ON THE BOARD OF~~
11 ~~TRUSTEES OF THE ENOCH PRATT FREE LIBRARY FAILS TO RESIDE IN BALTIMORE~~
12 ~~CITY AT ANY TIME DURING THE MEMBER'S TERM, THE MEMBER SHALL BE~~
13 ~~CONSIDERED TO HAVE RESIGNED.~~

14 (8) ~~A MEMBER APPOINTED TO FILL A VACANCY IN AN UNEXPIRED TERM:~~
15 (I) ~~SERVES ONLY FOR THE REMAINDER OF THAT TERM UNTIL A~~
16 ~~SUCCESSOR IS APPOINTED; AND~~

17 (II) ~~IS ELIGIBLE FOR APPOINTMENT TO SERVE TWO ADDITIONAL~~
18 ~~TERMS.~~

19 (9) (I) ~~A MEMBER OF THE BOARD OF TRUSTEES OF THE ENOCH PRATT~~
20 ~~FREE LIBRARY MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.~~

21 (II) ~~A MEMBER OF THE BOARD OF TRUSTEES OF THE ENOCH PRATT~~
22 ~~FREE LIBRARY SERVES FOR A TERM OF 4 YEARS AND BEGINS ON FEBRUARY 1.~~

23 (III) 1. ~~A MEMBER WHO SERVED ON THE BOARD OF TRUSTEES OF~~
24 ~~THE ENOCH PRATT FREE LIBRARY BEFORE FEBRUARY 1, 2004, FOR 4 OR MORE YEARS~~
25 ~~IS CONSIDERED TO HAVE COMPLETED ONE TERM FOR EACH 4 YEARS OF SERVICE.~~

26 2. ~~THIS CALCULATION APPLIES TO THE TERM LIMITS~~
27 ~~ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

28 (G) (I) ~~THE BOARD OF TRUSTEES OF THE ENOCH PRATT FREE LIBRARY MAY~~
29 ~~NOT:~~

30 (I) ~~CREATE A BOARD OF DIRECTORS OR A MANAGEMENT BOARD;~~
31 ~~OR~~

32 (II) ~~DELEGATE ANY OF ITS POWERS OR DUTIES TO ANY OTHER~~
33 ~~PERSON.~~

34 (2) ~~THE BOARD OF TRUSTEES OF THE ENOCH PRATT FREE LIBRARY~~
35 ~~SHALL MEET AT LEAST ONCE EACH MONTH.~~

1 (3) ~~ANY MEMBER OF THE BOARD OF TRUSTEES OF THE ENOCH PRATT~~
 2 ~~FREE LIBRARY WHO FAILS TO ATTEND AT LEAST SIX OF THE SCHEDULED MEETINGS~~
 3 ~~OF THE BOARD DURING ANY CALENDAR YEAR SHALL BE REMOVED FROM THE BOARD~~
 4 ~~OF TRUSTEES.~~

5 (4) ~~ALL OFFICERS OF THE BOARD OF TRUSTEES OF THE ENOCH PRATT~~
 6 ~~FREE LIBRARY SHALL BE MEMBERS OF THE BOARD OF TRUSTEES.~~

7 (5) ~~THE BOARD OF TRUSTEES OF THE ENOCH PRATT FREE LIBRARY MAY~~
 8 ~~ESTABLISH A LIBRARY FOUNDATION TO RAISE FUNDS FOR PROGRAMS AND~~
 9 ~~PROJECTS FOR THE ENOCH PRATT FREE LIBRARY.~~

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

14 (2) ~~THE ENOCH PRATT FREE LIBRARY IS A PUBLIC AGENCY OF THIS~~
 15 ~~STATE AND A PUBLIC AGENCY OF BALTIMORE CITY.~~

16 SECTION 2. ~~AND BE IT FURTHER ENACTED, That this Act shall supersede~~
 17 ~~any contrary provisions of existing laws relating to the Enoch Pratt Free Library of~~
 18 ~~Baltimore City.~~

19 (a) There is a Task Force to Study the Governance and Fiscal Structure of the
 20 Enoch Pratt Free Library System.

21 (b) The Task Force consists of the following members:

22 (1) the Mayor of Baltimore City or the Mayor's designee;

23 (2) ~~three representatives of the Baltimore City Council;~~ the State
 24 Superintendent;

25 (3) three representatives of the Baltimore City House of Delegates
 26 Delegation in the General Assembly;

27 (4) three representatives of the Baltimore City Senate Delegation in the
 28 General Assembly;

29 (5) one representative of the State Auditor's Office Library Resource
 30 Center, appointed by the Governor;

31 (6) ~~the Chairman~~ one member of the Board of Trustees of the Enoch
 32 Pratt Free Library or the Chairman's designee, appointed by the Chairman of the
 33 Board;

34 (7) ~~the Director of the Association of Community Organizations for~~
 35 Reform Now (ACORN) or the Director's designee one representative of the friends of
 36 libraries organization; and

1 (8) one representative of the Save Libraries - Save Lives organization;
2 and

3 ~~(8)~~ (9) four ~~five~~ representatives of Baltimore City residents that use
4 any of the branch libraries in the system, appointed by the Mayor of Baltimore City.

5 (c) The members of the Task Force shall elect the chairman of the Task Force.

6 (d) The Department of Legislative Services shall provide staff for the Task
7 Force.

8 (e) A member of the Task Force may not receive compensation.

9 (f) The Task Force shall:

10 (1) study the governing structure of the Enoch Pratt Free Library
11 System to determine whether there are defects in the operation of the system or
12 impediments to the efficient operation of the system, including the established system
13 for appointing the board of directors and the board of trustees;

14 (2) study the fiscal structure of the Enoch Pratt Free Library System to
15 determine whether there are defects in the funding of the system or impediments to
16 the efficient operation of the system; and

17 (3) recommend actual solutions to any problems found in the governing
18 or fiscal structure of the system, including suggested legislation on a State or city
19 level or work plan for solving structural defects.

20 (g) The Task Force shall report its findings and recommendations to the
21 General Assembly, subject to § 2-1246 of the State Government Article, on or before
22 January 15, 2004.

23 SECTION ~~3-~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
24 effect ~~October~~ July 1, 2003.