

# HOUSE BILL 1392

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71r3374

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By: **Delegate McDonough**

Introduced and read first time: March 5, 2007

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Harford County – Permanent Nominating Commission – School Board**  
3 **Nominating Convention**

4 FOR the purpose of requiring the Governor, with respect to making appointments to  
5 vacant positions on the Harford County Board of Education, to fill those  
6 appointments in a certain manner; prohibiting the Governor from  
7 circumventing the appointment process created by this Act; creating a  
8 Permanent Nominating Commission for the Harford County Board of  
9 Education; providing for the membership of the Commission; requiring the  
10 Commission to adopt a charter that includes the creation of a School Board  
11 Nominating Convention for Harford County to function whenever a vacancy  
12 occurs on the Harford County Board of Education; requiring the charter adopted  
13 by the Permanent Nominating Commission to include certain rules and  
14 procedures; requiring, beginning at a certain time, the School Board  
15 Nominating Convention to submit to the Governor a list of nominees that  
16 contains a certain number of names for each vacancy on the Harford County  
17 Board of Education; requiring the School Board Nominating Convention to meet  
18 at least a certain number of times; and generally relating to the Permanent  
19 Nominating Commission and the School Board Nominating Convention for  
20 Harford County and the filling of vacancies on the Harford County Board of  
21 Education.

22 BY repealing and reenacting, with amendments,  
23 Article – Education  
24 Section 3–108(a) and (c)  
25 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2006 Replacement Volume)

2 BY adding to  
3 Article – Education  
4 Section 3–110.1  
5 Annotated Code of Maryland  
6 (2006 Replacement Volume)

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

9 **Article – Education**

10 3–108.

11 (a) Except for the Baltimore City Board of School Commissioners established  
12 under § 3–108.1 of this subtitle [and], counties listed in § 3–114 of this subtitle, **AND**  
13 **SUBJECT TO THE PROVISIONS OF § 3–110.1 OF THIS SUBTITLE WITH RESPECT**  
14 **TO THE HARFORD COUNTY BOARD OF EDUCATION**, the Governor shall appoint  
15 the members of each county board from the residents of that county.

16 (c) (1) Each member serves for a term of 5 years beginning July 1 after  
17 [his] **THE MEMBER’S** appointment and until a successor is appointed and qualifies.

18 (2) The Governor shall appoint a new member to fill any vacancy on  
19 an appointed board for the remainder of that term and until a successor is appointed  
20 and qualifies.

21 (3) Unless otherwise disqualified under this section, a member of a  
22 board is eligible for reappointment. However, an individual may not serve for more  
23 than 2 consecutive terms.

24 **3–110.1.**

25 (A) (1) **IN THIS SECTION, “COUNTY BOARD” MEANS THE HARFORD**  
26 **COUNTY BOARD OF EDUCATION.**

27 (2) **EXCEPT FOR THE STUDENT MEMBER OF THE COUNTY BOARD,**  
28 **THE GOVERNOR:**

1                   (I)    **MUST APPOINT A MEMBER OF THE COUNTY BOARD**  
2 **FROM A LIST OF NOMINEES SUBMITTED BY THE SCHOOL BOARD NOMINATING**  
3 **CONVENTION FOR HARFORD COUNTY AS PROVIDED FOR IN SUBSECTIONS**  
4 **(B)(4) AND (C) OF THIS SECTION; AND**

5                   (II)   **MAY NOT APPOINT ANY OTHER INDIVIDUAL TO THE**  
6 **COUNTY BOARD OR OTHERWISE CIRCUMVENT THE NOMINATIONS OF THE**  
7 **SCHOOL BOARD NOMINATING CONVENTION OF HARFORD COUNTY TO THE**  
8 **COUNTY BOARD SUBMITTED TO THE GOVERNOR BY THE CONVENTION.**

9           (B)   (1)   **THERE IS A PERMANENT NOMINATING COMMISSION FOR THE**  
10 **COUNTY BOARD.**

11                   (2)   **THE COMMISSION CONSISTS OF TEN MEMBERS WHO SHALL BE**  
12 **APPOINTED IN ACCORDANCE WITH THIS SUBSECTION.**

13                   (3)   **THE FOLLOWING ORGANIZATIONS SHALL EACH APPOINT ONE**  
14 **MEMBER:**

15                           (I)   **THE        HARFORD        COUNTY        COUNCIL        OF**  
16 **PARENT-TEACHER ASSOCIATIONS;**

17                                   (II)   **THE HARFORD COUNTY EDUCATION ASSOCIATION;**

18                                   (III)   **THE        HARFORD        BUSINESS        ROUNDTABLE        FOR**  
19 **EDUCATION;**

20                                   (IV)   **THE HARFORD COUNTY CHAMBER OF COMMERCE;**

21                                   (V)    **THE HARFORD COUNTY FARM BUREAU;**

22                                   (VI)   **THE HARFORD COUNTY NAACP;**

23                                   (VII)   **THE        HARFORD        COUNTY        LEADERSHIP        ACADEMY**  
24 **ALUMNI ASSOCIATION;**

25                                   (VIII)   **THE HARFORD COUNTY REGIONAL ASSOCIATION OF**  
26 **STUDENT COUNCILS;**

1                   **(IX) THE FRIENDS OF HARFORD; AND**

2                   **(X) THE HARFORD COUNTY PARKS AND RECREATION**  
3 **COUNCIL OF PRESIDENTS.**

4                   **(4) THE COMMISSION SHALL ADOPT A CHARTER THAT INCLUDES:**

5                   **(I) THE MANNER OF THE ELECTION OF ITS CHAIR AND**  
6 **OTHER OFFICERS AND THEIR TERMS OF OFFICE;**

7                   **(II) THE CREATION OF A SCHOOL BOARD NOMINATING**  
8 **CONVENTION FOR HARFORD COUNTY TO FUNCTION WHENEVER A VACANCY**  
9 **OCCURS ON THE COUNTY BOARD; AND**

10                   **(III) RULES AND PROCEDURES FOR THE SCHOOL BOARD**  
11 **NOMINATING CONVENTION THAT WILL ENSURE:**

12                               **1. THE INVOLVEMENT OF AND PARTICIPATION BY**  
13 **COMMUNITY ORGANIZATIONS AND OTHER APPROPRIATE ENTITIES AND**  
14 **INDIVIDUALS IN HARFORD COUNTY IN THE CONVENTION;**

15                               **2. THAT THE CONVENTION WILL OPERATE AT ALL**  
16 **TIMES IN A FULLY INCLUSIVE AND NONPARTISAN MANNER;**

17                               **3. THAT THE CONVENTION IS NOT LIMITED IN**  
18 **TERMS OF THE NUMBER OF INDIVIDUALS WHO MAY ATTEND THE MEETINGS OF**  
19 **THE CONVENTION, ASK QUESTIONS OF INDIVIDUALS SEEKING APPOINTMENT TO**  
20 **THE COUNTY BOARD, OR SPEAK AT THE CONVENTION ON THEIR OWN BEHALF**  
21 **IN SEEKING TO SECURE THEIR APPOINTMENT TO THE COUNTY BOARD; AND**

22                               **4. CLEARLY DEFINED AND EFFECTIVE PROCEDURES**  
23 **FOR THE NOMINATION OF INDIVIDUALS BY THE CONVENTION TO BE SUBMITTED**  
24 **TO THE GOVERNOR FOR RECOMMENDATION FOR APPOINTMENT TO THE**  
25 **COUNTY BOARD.**

26                   **(C) (1) BEGINNING JULY 1, 2008, FOR EACH NOMINATION TO THE**  
27 **COUNTY BOARD, THE SCHOOL BOARD NOMINATING CONVENTION SHALL**  
28 **SUBMIT TO THE GOVERNOR A LIST OF NOMINEES THAT CONTAINS:**

1                   **(I) AT LEAST THREE NAMES FOR EACH VACANCY; OR**

2                   **(II) IF THERE ARE FEWER THAN THREE APPLICANTS FOR A**  
3 **VACANCY, THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF**  
4 **APPLICANTS FOR THE VACANCY.**

5                   **(2) THE CONVENTION SHALL HOLD AT LEAST ONE PUBLIC**  
6 **MEETING DURING WHICH THE NOMINEES FOR THE COUNTY BOARD ARE**  
7 **REQUIRED TO RESPOND TO THE GENERAL PUBLIC REGARDING PUBLIC**  
8 **EDUCATION IN HARFORD COUNTY.**

9           SECTION 2. AND BE IT FURTHER ENACTED, That if, through legislation  
10 passed by the General Assembly that is enacted into law, the Harford County Board of  
11 Education is restructured so that some of the members are elected by the residents of  
12 Harford County and others are appointed by the Governor, the provisions of Section 1  
13 of this Act apply only to the appointed members of the Harford County Board of  
14 Education.

15           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 July 1, 2007.