

HOUSE BILL 1392

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71r3374

By: ~~Delegate McDonough~~ Harford County Delegation

Introduced and read first time: March 5, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 12, 2007

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2007

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Harford County and the filling of vacancies on the Harford County Board of
2 Education.

3 BY repealing and reenacting, with amendments,
4 Article – Education
5 Section 3–108(a) and (c)
6 Annotated Code of Maryland
7 (2006 Replacement Volume)

8 BY adding to
9 Article – Education
10 Section 3–110.1
11 Annotated Code of Maryland
12 (2006 Replacement Volume)

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

15 **Article – Education**

16 3–108.

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

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

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

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

30 **3–110.1.**

1 (A) (1) IN THIS SECTION, "COUNTY BOARD" MEANS THE HARFORD
2 COUNTY BOARD OF EDUCATION.

3 (2) EXCEPT FOR THE STUDENT MEMBER OF THE COUNTY BOARD,
4 THE GOVERNOR:

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

9 (II) MAY NOT APPOINT ANY OTHER INDIVIDUAL TO THE
10 COUNTY BOARD OR OTHERWISE CIRCUMVENT THE NOMINATIONS OF THE
11 SCHOOL BOARD NOMINATING CONVENTION OF HARFORD COUNTY TO THE
12 COUNTY BOARD SUBMITTED TO THE GOVERNOR BY THE CONVENTION.

13 (B) (1) THERE IS A PERMANENT NOMINATING COMMISSION FOR THE
14 COUNTY BOARD.

15 (2) THE COMMISSION CONSISTS OF ~~TEN~~ 15 MEMBERS WHO SHALL
16 BE APPOINTED IN ACCORDANCE WITH THIS SUBSECTION.

17 (3) THE FOLLOWING ORGANIZATIONS SHALL EACH APPOINT ONE
18 MEMBER:

19 (I) THE HARFORD COUNTY COUNCIL OF
20 PARENT-TEACHER ASSOCIATIONS;

21 (II) THE HARFORD COUNTY EDUCATION ASSOCIATION;

22 (III) THE HARFORD BUSINESS ROUNDTABLE FOR
23 EDUCATION;

24 (IV) THE HARFORD COUNTY CHAMBER OF COMMERCE;

25 (V) THE HARFORD COUNTY FARM BUREAU;

26 (VI) THE HARFORD COUNTY NAACP;

1 (VII) ~~THE HARFORD COUNTY LEADERSHIP ACADEMY~~
2 ~~ALUMNI ASSOCIATION;~~

3 ~~(VIII)~~ THE HARFORD COUNTY REGIONAL ASSOCIATION OF
4 STUDENT COUNCILS;

5 ~~(IX)~~ (VIII) THE FRIENDS OF HARFORD; AND

6 ~~(X)~~ (IX) THE HARFORD COUNTY PARKS AND RECREATION
7 COUNCIL OF PRESIDENTS.

8 (4) EACH OF THE SIX HARFORD COUNTY COUNCIL MEMBERS
9 SHALL APPOINT ONE PARENT OF A STUDENT ENROLLED IN THE HARFORD
10 COUNTY PUBLIC SCHOOLS WHO RESIDES IN THE COUNCILMANIC DISTRICT
11 FROM WHICH THE COUNCIL MEMBER WAS ELECTED.

12 ~~(4)~~ (5) THE COMMISSION SHALL ADOPT A CHARTER THAT
13 INCLUDES:

14 (I) THE MANNER OF THE ELECTION OF ITS CHAIR AND
15 OTHER OFFICERS AND THEIR TERMS OF OFFICE;

16 (II) THE CREATION OF A SCHOOL BOARD NOMINATING
17 CONVENTION FOR HARFORD COUNTY TO FUNCTION WHENEVER A VACANCY
18 OCCURS ON THE COUNTY BOARD; AND

19 (III) RULES AND PROCEDURES FOR THE SCHOOL BOARD
20 NOMINATING CONVENTION THAT WILL ENSURE:

21 1. THE INVOLVEMENT OF AND PARTICIPATION BY
22 COMMUNITY ORGANIZATIONS AND OTHER APPROPRIATE ENTITIES AND
23 INDIVIDUALS IN HARFORD COUNTY IN THE CONVENTION;

24 2. THAT THE CONVENTION WILL OPERATE AT ALL
25 TIMES IN A FULLY INCLUSIVE AND NONPARTISAN MANNER;

26 3. THAT THE CONVENTION IS NOT LIMITED IN
27 TERMS OF THE NUMBER OF INDIVIDUALS WHO MAY ATTEND THE MEETINGS OF
28 THE CONVENTION, ASK QUESTIONS OF INDIVIDUALS SEEKING APPOINTMENT TO

1 THE COUNTY BOARD, OR SPEAK AT THE CONVENTION ON THEIR OWN BEHALF
2 IN SEEKING TO SECURE THEIR APPOINTMENT TO THE COUNTY BOARD; AND

3 4. CLEARLY DEFINED AND EFFECTIVE PROCEDURES
4 FOR THE NOMINATION OF INDIVIDUALS BY THE CONVENTION TO BE SUBMITTED
5 TO THE GOVERNOR FOR RECOMMENDATION FOR APPOINTMENT TO THE
6 COUNTY BOARD.

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

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

11 (II) IF THERE ARE FEWER THAN THREE APPLICANTS FOR A
12 VACANCY, THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF
13 APPLICANTS FOR THE VACANCY.

14 (2) (I) IF THE GOVERNOR REJECTS ALL OF THE NOMINEES
15 FOR A VACANCY SUBMITTED BY THE SCHOOL BOARD NOMINATING
16 COMMISSION IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, THE
17 COMMISSION SHALL SUBMIT TO THE GOVERNOR THREE ADDITIONAL NAMES
18 FOR EACH VACANCY OR, IF THERE ARE FEWER THAN THREE APPLICANTS FOR A
19 VACANCY, THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF
20 APPLICANTS FOR THE VACANCY.

21 (II) THE GOVERNOR:

22 1. MUST APPOINT A MEMBER OF THE COUNTY
23 BOARD FROM AMONG THE ADDITIONAL NAMES SUBMITTED BY THE SCHOOL
24 BOARD NOMINATING CONVENTION IN ACCORDANCE WITH SUBPARAGRAPH (I)
25 OF THIS PARAGRAPH;

26 2. MAY NOT APPOINT ANY OTHER INDIVIDUAL TO
27 THE COUNTY BOARD OR OTHERWISE CIRCUMVENT THE ADDITIONAL
28 NOMINATIONS SUBMITTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH;
29 AND

1 **3. MAY NOT, FOR A SECOND TIME, REJECT ALL OF**
 2 **THE NOMINEES SUBMITTED TO THE GOVERNOR UNDER SUBPARAGRAPH (I) OF**
 3 **THIS PARAGRAPH.**

4 ~~(2)~~ **(3) THE CONVENTION SHALL HOLD AT LEAST ONE PUBLIC**
 5 **MEETING DURING WHICH THE NOMINEES FOR THE COUNTY BOARD ARE**
 6 **REQUIRED TO RESPOND TO THE GENERAL PUBLIC REGARDING PUBLIC**
 7 **EDUCATION IN HARFORD COUNTY.**

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.