

HOUSE BILL 806

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8lr0924

By: **Delegates James and Riley**

Introduced and read first time: February 6, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County Board of Education – Nomination and Appointment Process**

3 FOR the purpose of specifying the membership of the Harford County Board of
4 Education; requiring the Governor to appoint a member of the County Board
5 from a list of nominees submitted by the School Board Nominating Commission
6 of Harford County; requiring the Commission to solicit and select nominees to
7 the County Board and to hold certain public hearings before submitting its list
8 of nominees to the Governor; providing for the establishment, membership,
9 purpose, terms of office, and chair of the Commission; requiring the Commission
10 to hold a certain meeting, adopt a charter containing certain provisions, and
11 take certain actions by certain dates; providing for a nonvoting student member
12 of the County Board; and generally relating to the nomination and appointment
13 process for the members of the Harford County Board of Education.

14 BY repealing and reenacting, with amendments,
15 Article – Education
16 Section 3–108(a)
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2007 Supplement)

19 BY adding to
20 Article – Education
21 Section 3–110.1
22 Annotated Code of Maryland
23 (2006 Replacement Volume and 2007 Supplement)

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

26 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-108.

2 (a) Except for the Baltimore City Board of School Commissioners established
3 under § 3-108.1 of this subtitle, counties listed in § 3-114 of this subtitle, and subject
4 to the provisions of § 3-110 of this subtitle with respect to the Anne Arundel County
5 Board of Education **AND THE PROVISIONS OF § 3-110.1 OF THIS SUBTITLE WITH**
6 **RESPECT TO THE HARFORD COUNTY BOARD OF EDUCATION**, the Governor shall
7 appoint the members of each county board from the residents of that county.

8 **3-110.1.**

9 (A) (1) **THE HARFORD COUNTY BOARD CONSISTS OF:**

10 (I) **SEVEN VOTING MEMBERS WHO SHALL BE APPOINTED AS**
11 **PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION; AND**

12 (II) **ONE NONVOTING STUDENT MEMBER WHO SHALL BE**
13 **SELECTED AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION.**

14 (2) **SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE**
15 **GOVERNOR SHALL APPOINT:**

16 (I) **ONE MEMBER FROM THE COUNTY AT LARGE; AND**

17 (II) **ONE MEMBER FROM EACH OF THE SIX COUNCILMANIC**
18 **DISTRICTS IN THE COUNTY.**

19 (3) **THE STUDENT MEMBER SHALL BE SELECTED BY THE COUNTY**
20 **BOARD IN ACCORDANCE WITH BOARD POLICY.**

21 (B) (1) (I) **THERE IS A SCHOOL BOARD NOMINATING COMMISSION**
22 **OF HARFORD COUNTY.**

23 (II) **THE PURPOSE OF THE COMMISSION IS TO SOLICIT AND**
24 **SELECT NOMINEES TO BE RECOMMENDED TO THE GOVERNOR AS QUALIFIED**
25 **CANDIDATES FOR APPOINTMENT TO THE HARFORD COUNTY BOARD OF**
26 **EDUCATION.**

27 (III) **THE COMMISSION SHALL HOLD AT LEAST TWO PUBLIC**
28 **HEARINGS ON THE SELECTION OF NOMINEES BEFORE RECOMMENDING TO THE**
29 **GOVERNOR NOMINEES FOR APPOINTMENT TO THE COUNTY BOARD.**

30 (2) (I) **THE COMMISSION SHALL BE APPOINTED IN**
31 **ACCORDANCE WITH THIS PARAGRAPH.**

1 **(II) THE FOLLOWING ORGANIZATIONS EACH SHALL**
2 **APPOINT TWO MEMBERS OR REPRESENTATIVES OF THEIR ORGANIZATION, FOR**
3 **A TOTAL OF 18 MEMBERS:**

- 4 **1. THE HARFORD COUNTY COUNCIL OF PTAS;**
- 5 **2. THE HARFORD COUNTY EDUCATION**
6 **ASSOCIATION;**
- 7 **3. THE HARFORD BUSINESS ROUNDTABLE FOR**
8 **EDUCATION;**
- 9 **4. THE HARFORD COUNTY CHAMBER OF**
10 **COMMERCE;**
- 11 **5. THE HARFORD COMMUNITY COLLEGE BOARD OF**
12 **TRUSTEES;**
- 13 **6. THE HARFORD COUNTY NATIONAL ASSOCIATION**
14 **FOR THE ADVANCEMENT OF COLORED PEOPLE;**
- 15 **7. THE HARFORD COUNTY FARM BUREAU;**
- 16 **8. THE HARFORD COUNTY PARKS AND**
17 **RECREATION COUNCIL OF PRESIDENTS; AND**
- 18 **9. THE HARFORD COUNTY REGIONAL ASSOCIATION**
19 **OF STUDENT COUNCILS.**

20 **(3) (I) THE COMMISSION SHALL HOLD ITS INITIAL MEETING**
21 **ON OR BEFORE SEPTEMBER 10, 2008.**

22 **(II) AT ITS INITIAL MEETING, THE COMMISSION SHALL:**

- 23 **1. SELECT AN INTERIM CHAIR;**
- 24 **2. BEGIN DEVELOPMENT OF ITS CHARTER; AND**
- 25 **3. ESTABLISH A SCHEDULE OF MEETINGS, POLICIES,**
26 **PROCEDURES, AND OTHER MATTERS REQUIRED FOR THE COMMISSION TO**
27 **COMMENCE ITS RESPONSIBILITIES.**

1 (4) (I) ON OR BEFORE JANUARY 1, 2009, THE COMMISSION
2 SHALL ADOPT A CHARTER THAT INCLUDES:

3 1. THE MANNER AND SCHEDULE FOR THE ELECTION
4 OF ITS CHAIR AND OTHER OFFICERS AND THEIR TERMS OF OFFICE;

5 2. CLEARLY DEFINED AND EFFECTIVE PROCEDURES
6 FOR THE NOMINATION OF INDIVIDUALS BY THE COMMISSION FOR SUBMISSION
7 TO THE GOVERNOR FOR APPOINTMENT TO THE COUNTY BOARD; AND

8 3. THE MANNER AND TIMING FOR THE
9 SOLICITATION OF COUNTY RESIDENTS TO SERVE AS MEMBERS OF THE COUNTY
10 BOARD.

11 (II) AT LEAST 2 WEEKS BEFORE THE MEETING TO ADOPT
12 THE CHARTER, THE COMMISSION SHALL MAKE THE CHARTER AVAILABLE TO
13 THE PUBLIC FOR REVIEW AND COMMENT.

14 (III) 1. ON ELECTION OF THE CHAIR, THE ORGANIZATION
15 THAT THE CHAIR REPRESENTS MAY DESIGNATE ANOTHER MEMBER OR
16 REPRESENTATIVE OF THAT ORGANIZATION AS AN ADDITIONAL MEMBER OF THE
17 COMMISSION.

18 2. THE ADDITIONAL MEMBER OR REPRESENTATIVE
19 SHALL SERVE ON THE COMMISSION ONLY SO LONG AS THE ORGANIZATION'S
20 MEMBER OR REPRESENTATIVE IS CHAIR.

21 (5) BEGINNING JANUARY 1, 2009, FOR EACH NOMINATION TO
22 THE COUNTY BOARD, THE COMMISSION SHALL SUBMIT TO THE GOVERNOR A
23 LIST OF NOMINEES THAT CONTAINS:

24 (I) TWO NAMES FOR EACH VACANCY; OR

25 (II) IF THERE ARE FEWER THAN TWO APPLICANTS FOR A
26 VACANCY, THE NUMBER OF NAMES THAT IS EQUAL TO THE NUMBER OF
27 APPLICANTS FOR THE VACANCY.

28 (6) (I) NO LATER THAN MAY 1 EACH YEAR, THE COMMISSION
29 SHALL SUBMIT A LIST OF NOMINEES TO THE GOVERNOR FROM WHICH THE
30 GOVERNOR MAY MAKE AN APPOINTMENT TO FILL ANY VACANCY THAT EXISTS
31 OR THAT ARISES ON THE COUNTY BOARD.

32 (II) IN THE EVENT THAT THE LIST SUBMITTED TO THE
33 GOVERNOR UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT

1 CONTAIN THE NAME OF A NOMINEE WHO IS QUALIFIED TO BE APPOINTED FOR A
2 VACANCY, THE COMMISSION SHALL SUBMIT A LIST OF ADDITIONAL NOMINEES
3 TO THE GOVERNOR NO LATER THAN 30 DAYS FOLLOWING THE VACANCY.

4 (III) NOTWITHSTANDING SUBPARAGRAPHS (I) AND (II) OF
5 THIS PARAGRAPH, THE COMMISSION SHALL SUBMIT A LIST OF NOMINEES TO
6 THE GOVERNOR FOR EACH OPEN SEAT ON THE COUNTY BOARD, WHETHER FOR
7 A MEMBER'S FIRST TERM, A MEMBER'S REAPPOINTMENT FOR A SECOND TERM,
8 OR FOR A VACANCY.

9 (IV) THE GOVERNOR SHALL MAKE AN APPOINTMENT TO
10 FILL A VACANCY ON THE COUNTY BOARD FROM THE LIST OF NOMINEES
11 SUBMITTED BY THE COMMISSION ON OR BEFORE THE 60TH DAY AFTER
12 RECEIVING THE LIST.

13 (C) THE GOVERNOR:

14 (1) SHALL APPOINT A REGULAR MEMBER OF THE COUNTY
15 BOARD FROM A LIST OF NOMINEES SUBMITTED BY THE SCHOOL BOARD
16 NOMINATING COMMISSION OF HARFORD COUNTY AS PROVIDED IN
17 SUBSECTION (B) OF THIS SECTION.

18 (2) THE GOVERNOR MAY NOT APPOINT ANY OTHER INDIVIDUAL
19 TO THE COUNTY BOARD OR OTHERWISE CIRCUMVENT THE NOMINATIONS OF
20 THE SCHOOL BOARD NOMINATING COMMISSION OF HARFORD COUNTY THAT
21 ARE SUBMITTED TO THE GOVERNOR BY THE COMMISSION.

22 (3) IF THE GOVERNOR REJECTS EACH OF THE NOMINEES ON THE
23 LIST SUBMITTED BY THE COMMISSION FOR A VACANCY ON THE COUNTY BOARD,
24 THE COMMISSION SHALL SUBMIT ANOTHER LIST OF NOMINEES TO THE
25 GOVERNOR. THE GOVERNOR SHALL APPOINT A NOMINEE FROM ONE OF THE
26 LISTS SUBMITTED BY THE COMMISSION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 July 1, 2008.