

# HOUSE BILL 172

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6lr1400  
CF SB 144

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By: ~~Delegate Sophocleus (By Request Anne Arundel County Administration)~~  
Anne Arundel County Delegation

Introduced and read first time: January 21, 2016

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 Anne Arundel County ~~County~~ Board of Education and School Board  
3 Nominating Commission ~~Membership~~

4 FOR the purpose of altering the membership of the School Board Nominating Commission  
5 of Anne Arundel County ~~to provide that, beginning on a certain date and every~~  
6 ~~certain number of years thereafter, one member shall be appointed by certain~~  
7 ~~chambers of commerce on a rotating basis in a specified order; altering the term of~~  
8 ~~the member appointed by a chamber of commerce; requiring each member of the~~  
9 Commission to be a resident of Anne Arundel County; prohibiting, with a certain  
10 exception, a member of the Commission from being an employee of a county school  
11 board; altering the method of selecting and the term of the chair of the Commission;  
12 authorizing the reappointment of a member of the Commission; specifying the terms  
13 of certain members of the Commission; prohibiting a member of the Commission  
14 from serving more than a certain number of years; altering the entity required to  
15 provide staff for the Commission; requiring the affirmative vote of a certain number  
16 of members of the Commission for the approval of any action; prohibiting a member  
17 of the Commission from voting by proxy; requiring the Commission to require each  
18 applicant for a certain nomination to complete an application that includes certain  
19 information and a certain declaration; requiring the Commission to consult the  
20 Maryland Judiciary Case Search to verify certain statements; requiring a certain  
21 member of the Anne Arundel County Board of Education to resign effective a certain  
22 number of days after certification of certain election results; prohibiting a certain  
23 member of the Board from continuing to serve under certain circumstances;  
24 providing for the termination of the ~~term of a certain member~~ terms of certain

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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 ~~members~~ of the Commission; and generally relating to the ~~membership of the Anne~~  
 2 Arundel County Board of Education and the School Board Nominating Commission  
 3 of Anne Arundel County.

4 BY repealing and reenacting, with amendments,  
 5 Article – Education  
 6 Section 3–110(b) and (c)  
 7 Annotated Code of Maryland  
 8 (2014 Replacement Volume and 2015 Supplement)

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

11 **Article – Education**

12 3–110.

13 (b) (1) (i) There is a School Board Nominating Commission of Anne  
 14 Arundel County.

15 (ii) The purpose of the Commission is to select nominees to be  
 16 recommended to the Governor as qualified candidates for appointment to the Anne Arundel  
 17 County Board of Education.

18 (iii) The Commission shall hold at least two public hearings on the  
 19 selection of nominees before recommending to the Governor nominees for appointment to  
 20 the county board.

21 (2) ~~(i)~~ The Commission consists of ~~11~~ **THE FOLLOWING 13** members  
 22 ~~who shall be appointed in accordance with this paragraph.~~

23 ~~(ii) The Governor shall appoint five members, one from each~~  
 24 ~~legislative district that lies in whole or in part in Anne Arundel County.~~

25 ~~(iii) The County Executive of Anne Arundel County shall appoint one~~  
 26 ~~member from the county at large.~~

27 ~~(iv) The following organizations shall each appoint one member:~~

28 ~~1. The Teachers Association of Anne Arundel County;~~

29 ~~2. The Annapolis and Anne Arundel County Chamber of~~  
 30 ~~Commerce;~~

31 ~~3. The Anne Arundel County Council of Parent Teacher~~  
 32 ~~Associations;~~

1 ~~[4.] 3. The Anne Arundel County Community College~~  
2 ~~Board of Trustees; and~~

3 ~~[5.] 4. The Association of Educational Leaders (AEL);~~

4 **(I) THREE MEMBERS APPOINTED BY THE COUNTY EXECUTIVE**  
5 **OF ANNE ARUNDEL COUNTY FROM THE COUNTY AT LARGE:**

6 **1. ONE OF WHOM SHALL BE A PARENT OF A CHILD**  
7 **ENROLLED IN THE ANNE ARUNDEL COUNTY PUBLIC SCHOOL SYSTEM; AND**

8 **2. NO MORE THAN ONE OF WHOM MAY BE A CURRENT**  
9 **EMPLOYEE OF ANNE ARUNDEL COUNTY;**

10 **(II) ONE MEMBER APPOINTED BY THE TEACHERS ASSOCIATION**  
11 **OF ANNE ARUNDEL COUNTY;**

12 **(III) ONE MEMBER APPOINTED BY THE ANNAPOLIS AND ANNE**  
13 **ARUNDEL COUNTY CHAMBER OF COMMERCE;**

14 **(IV) ONE MEMBER APPOINTED BY THE ANNE ARUNDEL COUNTY**  
15 **COMMUNITY COLLEGE BOARD OF TRUSTEES;**

16 **(V) ONE MEMBER APPOINTED BY THE ASSOCIATION OF**  
17 **EDUCATIONAL LEADERS (AEL);**

18 **(VI) TWO MEMBERS APPOINTED BY THE ANNE ARUNDEL**  
19 **COUNTY COUNCIL OF PARENT TEACHER ASSOCIATIONS WHO MAY NOT:**

20 **1. BE AFFILIATED WITH A TEACHERS' UNION OR**  
21 **ASSOCIATION; OR**

22 **2. BE A CURRENT EMPLOYEE OF ANNE ARUNDEL**  
23 **COUNTY;**

24 **(VII) ONE MEMBER APPOINTED BY THE ANNE ARUNDEL COUNTY**  
25 **BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED**  
26 **PEOPLE (NAACP);**

27 **(VIII) ONE MEMBER APPOINTED BY CASA DE MARYLAND;**

28 **(IX) ONE MEMBER APPOINTED BY THE ANNE ARUNDEL SPECIAL**  
29 **EDUCATION CITIZENS' ADVISORY COMMITTEE WHO IS A PARENT OF A CHILD WITH**  
30 **SPECIAL NEEDS IN THE ANNE ARUNDEL COUNTY PUBLIC SCHOOL SYSTEM; AND**

1                    ~~(v)~~ (x)        ~~BEGINNING JULY~~ BEGINNING JUNE 1, 2016, AND EVERY 2 YEARS  
 2 THEREAFTER, ONE MEMBER ~~SHALL BE~~ APPOINTED BY A CHAMBER OF COMMERCE  
 3 BASED IN ANNE ARUNDEL COUNTY ON A ROTATING BASIS IN THE FOLLOWING  
 4 ORDER:

5                    1.        THE WEST ANNE ARUNDEL COUNTY CHAMBER OF  
 6 COMMERCE;

7                    2.        THE NORTHERN ANNE ARUNDEL COUNTY CHAMBER  
 8 OF COMMERCE;

9                    3.        THE SOUTHERN ANNE ARUNDEL CHAMBER OF  
 10 COMMERCE;

11                   4.        THE GREATER CROFTON CHAMBER OF COMMERCE;  
 12 AND

13                   5.        THE GREATER SEVERNA PARK AND ARNOLD  
 14 CHAMBER OF COMMERCE; ~~AND~~

15                   ~~6.        THE ANNAPOLIS AND ANNE ARUNDEL COUNTY~~  
 16 ~~CHAMBER OF COMMERCE.~~

17                   (3) (I) EACH MEMBER OF THE COMMISSION MUST BE A RESIDENT  
 18 OF ANNE ARUNDEL COUNTY.

19                   (II) EXCEPT FOR THE MEMBERS APPOINTED UNDER  
 20 PARAGRAPH (2)(II) AND (V) OF THIS SUBSECTION, A MEMBER OF THE COMMISSION  
 21 MAY NOT BE A CURRENT EMPLOYEE OF A COUNTY SCHOOL BOARD.

22                   ~~(3) (4) (i) The Governor shall designate as chair of the Commission one of~~  
 23 ~~the five members appointed by the Governor under paragraph (2)(ii) of this subsection~~  
 24 COMMISSION SHALL SELECT A CHAIR FROM AMONG ITS MEMBERS.

25                   (ii)       The term of the chair of the Commission is ~~4~~ 2 years.

26                   ~~(iii) The Governor may reappoint the chair of the Commission for a~~  
 27 ~~second term.~~

28                   ~~(iv) (5) 1. (I) [The] EXCEPT AS PROVIDED IN~~  
 29 ~~SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH SUBPARAGRAPH (II) OF THIS~~  
 30 PARAGRAPH, THE term of a member of the Commission is 4 years.

31                   2. (II) THE TERM OF A MEMBER APPOINTED BY A CHAMBER  
 32 OF COMMERCE UNDER PARAGRAPH (2)(X) OF THIS SUBSECTION IS 2 YEARS.

1                   **(III) A MEMBER MAY BE REAPPOINTED BUT MAY NOT SERVE**  
 2 **MORE THAN 8 YEARS.**

3                   ~~(4)~~ **(6) The Department of Legislative Services ANNE ARUNDEL COUNTY**  
 4 **BOARD OF EDUCATION shall provide staff for the Commission.**

5                   **(7) (I) THE AFFIRMATIVE VOTE OF AT LEAST EIGHT MEMBERS OF**  
 6 **THE COMMISSION IS REQUIRED FOR THE APPROVAL OF ANY ACTION.**

7                   **(II) A MEMBER OF THE COMMISSION MAY NOT VOTE BY PROXY.**

8                   **(8) (I) THE COMMISSION SHALL REQUIRE EACH APPLICANT FOR**  
 9 **NOMINATION TO COMPLETE AN APPLICATION THAT INCLUDES:**

10                   **1. THE FULL NAME AND ADDRESS OF THE INDIVIDUAL;**

11                   **2. ANY FORMER NAME USED BY THE INDIVIDUAL;**

12                   **3. A STATEMENT AS TO WHETHER THE INDIVIDUAL HAS**  
 13 **ANY CONVICTION FOR A CRIME THAT:**

14                   **A. RELATES TO THE RESPONSIBILITIES OF A MEMBER OF**  
 15 **THE COUNTY BOARD; AND**

16                   **B. HAS NOT BEEN EXPUNGED OR OTHERWISE SHIELDED;**

17                   **4. A STATEMENT AS TO WHETHER THE INDIVIDUAL HAS**  
 18 **BEEN ADJUDGED BANKRUPT OR INSOLVENT; AND**

19                   **5. A DECLARATION THAT THE STATEMENTS MADE IN**  
 20 **THE APPLICATION ARE TRUE, CORRECT, AND COMPLETE TO THE BEST OF THE**  
 21 **INDIVIDUAL'S KNOWLEDGE AND BELIEF.**

22                   **(II) THE COMMISSION SHALL CONSULT THE MARYLAND**  
 23 **JUDICIARY CASE SEARCH TO VERIFY THE STATEMENTS MADE BY THE APPLICANT**  
 24 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

25                   ~~(5)~~ **(9) Beginning January 1, 2008, for each nomination to the county board,**  
 26 **the Commission shall submit to the Governor a list of nominees that contains:**

27                   (i) At least two names for each vacancy; or

28                   (ii) If there are fewer than two applicants for a vacancy, the number  
 29 of names that is equal to the number of applicants for the vacancy.

1           (c)   (1)   Following the appointment of a member of the Anne Arundel County  
 2 Board of Education by the Governor, a member may serve for the remainder of the  
 3 member's term, as provided in § 3-108(c) of this subtitle, subject to the approval or rejection  
 4 of the registered voters of the county at the next general election.

5           (2)   A member of the county board is eligible for nomination and  
 6 reappointment for a second consecutive term in accordance with the provisions of  
 7 subsections (a) and (b) of this section.

8           (3)   (i)   The approval or rejection of a member of the county board by the  
 9 registered voters of the county provided for in subparagraph (ii) of this paragraph shall be  
 10 a vote for the member's retention or removal.

11           (ii)   On receipt of the notice required under § 5-301(h) of the Election  
 12 Law Article, the name of the member of the county board shall be placed on the appropriate  
 13 ballot and shown, without opposition, and the voters shall vote for or against the member's  
 14 retention as a member of the county board.

15           (4)   If the voters reject the retention of the member, or the vote is tied:

16           (i)   The position shall become vacant 10 days after certification of the  
 17 election returns; [and]

18           (ii)   The member [serves until a successor is appointed and qualifies]  
 19 **SHALL RESIGN FROM THE COUNTY BOARD EFFECTIVE 10 DAYS AFTER**  
 20 **CERTIFICATION OF THE ELECTION RETURNS; AND**

21           **(III) THE MEMBER MAY NOT CONTINUE TO SERVE ON THE**  
 22 **COUNTY BOARD.**

23           SECTION 2. AND BE IT FURTHER ENACTED, That the ~~term of the member terms~~  
 24 ~~of the members~~ of the School Board Nominating Commission of Anne Arundel County who  
 25 ~~was~~ were appointed by the ~~Annapolis and Anne Arundel County Chamber of Commerce~~  
 26 ~~and is~~ Governor and are in office on the effective date of this Act shall terminate ~~at the end~~  
 27 ~~of June 30~~ on June 1, 2016.

28           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
 29 1, 2016.