SENATE BILL 1006

F1   EMERGENCY BILL   9lr0202
                                                                                    CF 9lr0203

By: **The President (By Request – Administration)**
Introduced and read first time: February 25, 2019
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Opening Public Schools Before Labor Day – Public Local Laws and**
3 **Referendum**

4 FOR the purpose of authorizing the governing body of a county to adopt, subject to a certain
5   provision of law, a public local law to exempt the public schools in the county from
6   the requirements of a certain executive order; requiring a certain governing body of
7   a county to submit to the voters a certain public local law at a certain election before
8   it becomes effective; requiring a certain question on the ballot to include certain
9   words; providing that submission of a certain question or similar question does not
10   prevent the submission of the same or another question at a subsequent election;
11   providing that a certain public local law becomes effective under certain
12   circumstances and is null and void under certain circumstances; authorizing a
13   county board to set certain dates for the school year for certain schools under certain
14   circumstances; providing that certain powers of certain local governments are
15   intended and deemed to include certain power and authority; defining a certain term;
16   making this Act an emergency measure; and generally relating to opening public
17   schools before Labor Day.

18 BY repealing and reenacting, without amendments,
19   Article – Education
20   Section 1–101(a), (c), and (d)
21   Annotated Code of Maryland
22   (2018 Replacement Volume and 2018 Supplement)

23 BY adding to
24   Article – Education
25   Section 7–125
26   Annotated Code of Maryland
27   (2018 Replacement Volume and 2018 Supplement)

28 BY repealing and reenacting, with amendments,

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
      [Brackets] indicate matter deleted from existing law.

1   The Charter of Baltimore City
2   Article II – General Powers
3   Section (30)
4   (2007 Replacement Volume, as amended)

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

Article – Education

8   1–101.

9   (a)   In this article, unless the context requires otherwise, the following words have
10   the meanings indicated.

11   (c)   "County" means a county of this State and includes Baltimore City.

12   (d)   "County board" means the board of education of a county and includes the
13   Baltimore City Board of School Commissioners.

14   **7–125.**

15   **(A)   IN THIS SECTION, "STARTING THE PUBLIC SCHOOL YEAR AFTER**
16   **LABOR DAY EXECUTIVE ORDER" MEANS EXECUTIVE ORDER 01.01.2016.13 AND**
17   **ANY AMENDMENTS TO THE EXECUTIVE ORDER.**

18   **(B)   SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE GOVERNING BODY**
19   **OF A COUNTY MAY ADOPT A PUBLIC LOCAL LAW THAT EXEMPTS THE PUBLIC**
20   **SCHOOLS IN THE COUNTY FROM THE STARTING THE PUBLIC SCHOOL YEAR AFTER**
21   **LABOR DAY EXECUTIVE ORDER REQUIRING PUBLIC SCHOOLS IN THE STATE TO**
22   **OPEN FOR PUPIL ATTENDANCE NOT EARLIER THAN THE TUESDAY IMMEDIATELY**
23   **FOLLOWING THE NATIONALLY OBSERVED LABOR DAY HOLIDAY AND TO ADJOURN**
24   **NOT LATER THAN JUNE 15.**

25   **(C)   (1)   (I)   BEFORE A PUBLIC LOCAL LAW ADOPTED UNDER**
26   **SUBSECTION (B) OF THIS SECTION BECOMES EFFECTIVE, THE GOVERNING BODY OF**
27   **THE COUNTY SHALL FIRST SUBMIT THE PUBLIC LOCAL LAW TO A REFERENDUM OF**
28   **THE QUALIFIED VOTERS OF THE COUNTY AT THE GENERAL ELECTION FOLLOWING**
29   **THE ADOPTION OF THE PUBLIC LOCAL LAW.**

30   **(II)   THE QUESTION ON THE BALLOT SHALL INCLUDE THE**
31   **WORDS "FOR…STARTING PUBLIC SCHOOLS BEFORE LABOR DAY" AND**
32   **"AGAINST…STARTING PUBLIC SCHOOLS BEFORE LABOR DAY".**

33   **(III)   SUBMISSION OF A QUESTION AT ONE ELECTION DOES NOT**

1 **PREVENT THE SUBMISSION OF THE SAME OR ANOTHER QUESTION AT A SUBSEQUENT**
2 **ELECTION.**

3   **(2)   (I)   IF A MAJORITY OF THE VOTES CAST ARE "FOR…STARTING**
4 **PUBLIC SCHOOLS BEFORE LABOR DAY":**

5   **1.   THE PUBLIC LOCAL LAW ADOPTED UNDER**
6 **SUBSECTION (B) OF THIS SECTION BECOMES EFFECTIVE; AND**

7   **2.   THE COUNTY BOARD FOR THAT COUNTY MAY SET THE**
8 **START DATE AND END DATE FOR THE SCHOOL YEAR FOR THE PUBLIC SCHOOLS IN**
9 **THE COUNTY OUTSIDE THE PARAMETERS OF THE STARTING THE PUBLIC SCHOOL**
10 **YEAR AFTER LABOR DAY EXECUTIVE ORDER.**

11   **(II)   IF A MAJORITY OF THE VOTES CAST ARE**
12 **"AGAINST…STARTING PUBLIC SCHOOLS BEFORE LABOR DAY", THE PUBLIC LOCAL**
13 **LAW ADOPTED UNDER SUBSECTION (B) OF THIS SECTION IS NULL AND VOID.**

14 **(D)   THE EXPRESS POWERS CONTAINED IN TITLE 10 OF THE LOCAL**
15 **GOVERNMENT ARTICLE AND IN ARTICLE II OF THE CHARTER OF THE CITY OF**
16 **BALTIMORE ARE INTENDED AND SHALL BE DEEMED TO INCORPORATE AND INCLUDE**
17 **THE POWER AND AUTHORITY CONTAINED IN THIS SECTION.**

18   **The Charter of Baltimore City**

19   Article II – General Powers

20   The Mayor and City Council of Baltimore shall have full power and authority to
21 exercise all of the powers heretofore or hereafter granted to it by the Constitution of
22 Maryland or by any Public General or Public Local Laws of the State of Maryland; and in
23 particular, without limitation upon the foregoing, shall have power by ordinance, or such
24 other method as may be provided for in its Charter, subject to the provisions of said
25 Constitution and Public General Laws:

26 (30)

27 **(A)**   Subject to the applicable provisions of the Education Article of the Annotated
28 Code of Maryland, to establish and maintain a system of free public schools.

29 **(B)   TO EXERCISE THE AUTHORITY UNDER § 7–125 OF THE EDUCATION**
30 **ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO ENABLE PUBLIC SCHOOLS**
31 **TO OPEN FOR STUDENT ATTENDANCE BEFORE THE TUESDAY IMMEDIATELY**
32 **FOLLOWING LABOR DAY AND TO ADJOURN ON A DATE AFTER JUNE 15.**

33   SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency

1 measure, is necessary for the immediate preservation of the public health or safety, has
2 been passed by a yea and nay vote supported by three–fifths of all the members elected to
3 each of the two Houses of the General Assembly, and shall take effect from the date it is
4 enacted.