

HOUSE BILL 23

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2003 Regular Session  
3r0525  
CF 3r0212

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By: **Delegates Elmore, Bozman, Cane, and Conway**  
Introduced and read first time: January 13, 2003  
Assigned to: Ways and Means

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Committee Report: Favorable  
House action: Adopted  
Read second time: February 19, 2003

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CHAPTER 114

1 AN ACT concerning

2 **Somerset County - Board of Education - Terms**

3 FOR the purpose of providing for staggered terms of office for the members of the  
4 Somerset County Board of Education; specifying the terms of the initial  
5 members of the Somerset County Board of Education; and generally relating to  
6 the terms of members of the Somerset County Board of Education.

7 BY repealing and reenacting, with amendments,  
8 Article - Education  
9 Section 3-1201  
10 Annotated Code of Maryland  
11 (2001 Replacement Volume and 2002 Supplement)

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

14 **Article - Education**

15 3-1201.

16 (a) The Somerset County Board shall be elected and consists of one member  
17 elected from each commissioner district in the county.

18 (b) (1) A member from a commissioner district shall be a resident of that  
19 district.

20 (2) A candidate for the County Board shall be a registered voter of the  
21 county.

1           (3)     A member from a commissioner district who no longer resides in that  
2 district may not continue as a member of the County Board.

3     (c)     Members of the Board shall be elected at a general election as required by  
4 subsection (d) of this section.

5     (d)     (1)     [Each] SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS  
6 SUBSECTION, EACH member serves for a term of 4 years beginning on January 1 after  
7 the member's election and until a successor is elected and qualifies.

8           (2)     (I)     THE TERMS OF MEMBERS ARE STAGGERED AS PROVIDED IN  
9 THIS PARAGRAPH.

10                   (II)     1.     THE MEMBERS ELECTED AT THE 2004 ELECTION FROM  
11 COMMISSIONER DISTRICTS 1, 3, AND 5 SHALL SERVE AN INITIAL TERM OF 2 YEARS.

12                                   2.     AN ELECTION SHALL BE CONDUCTED IN 2006 AND EVERY  
13 4 YEARS THEREAFTER.

14                   (III)     1.     THE MEMBERS ELECTED AT THE 2004 ELECTION FROM  
15 COMMISSIONER DISTRICTS 2 AND 4 SHALL SERVE AN INITIAL TERM OF 4 YEARS.

16                                   2.     AN ELECTION SHALL BE CONDUCTED IN 2008 AND EVERY  
17 4 YEARS THEREAFTER.

18           (3)     The Governor shall appoint a qualified individual to fill any vacancy  
19 on the Board for the remainder of the term and until a successor is elected and  
20 qualifies.

21     (e)     (1)     The State Board may remove a member of the County Board for:

22                   (i)     Immorality;

23                   (ii)    Misconduct in office;

24                   (iii)   Incompetency; or

25                   (iv)    Willful neglect of duty.

26           (2)     Before removing a member, the State Board shall send the member a  
27 copy of the charges against him and give him an opportunity within 10 days to  
28 request a hearing.

29           (3)     If the member requests a hearing within the 10-day period:

30                   (i)     The State Board promptly shall hold a hearing, but a hearing  
31 may not be set within 10 days after the State Board sends the member a notice of the  
32 hearing; and

33                   (ii)    The member shall have an opportunity to be heard publicly  
34 before the State Board in his own defense, in person or by counsel.

1           (4)       A member removed under this subsection has the right to a de novo  
2 review of the removal by the Circuit Court for Somerset County.

3       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
4 effect October 1, 2003.