
By: Somerset County Delegation

Introduced and read first time: January 24, 1997

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 Somerset County Board of Education - Appointment of Members

3 FOR the purpose of requiring the Governor to appoint the members of the Somerset
4 County Board of Education in accordance with certain procedures; specifying the
5 composition of the Somerset County Board of Education; establishing certain
6 School Board Nominating Commissions in Somerset County; specifying the
7 membership of the Commissions; requiring the Commissions to jointly adopt certain
8 rules; specifying the expiration of the terms of the interim incumbent members of
9 the Somerset County Board of Education; specifying the compensation and
10 reimbursement for certain expenses of the members of the Somerset County Board
11 of Education; repealing certain provisions of law relating to the Somerset County
12 Board of Education; submitting this Act to a referendum of the legally qualified
13 voters of Somerset County; and generally relating to the appointment of the
14 members of the Somerset County Board of Education.

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 3-108(a) and 3-114(a)
18 Annotated Code of Maryland
19 (1997 Replacement Volume)

20 BY adding to
21 Article - Education
22 Section 3-113.1
23 Annotated Code of Maryland
24 (1997 Replacement Volume)

25 BY repealing
26 Article - Education
27 Section 3-1201 through 3-1204, inclusive, and the subtitle "Subtitle 12. Somerset
28 County"
29 Annotated Code of Maryland
30 (1997 Replacement Volume)

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

3 **Article - Education**

4 3-108.

5 (a) Except for the counties listed in § 3-114 of this subtitle AND EXCEPT AS
6 PROVIDED IN § 3-113.1 OF THIS SUBTITLE, the Governor shall appoint the members of
7 each county board from the residents of that county.

8 3-113.1.

9 (A) THE SOMERSET COUNTY BOARD CONSISTS OF FIVE MEMBERS WHO
10 SHALL BE APPOINTED BY THE GOVERNOR AS PROVIDED IN THIS SECTION.

11 (B) ONE MEMBER SHALL BE APPOINTED FROM EACH COUNTY
12 COMMISSIONER DISTRICT IN THE COUNTY.

13 (C) (1) THERE IS A SCHOOL BOARD NOMINATING COMMISSION IN EACH
14 COUNTY COMMISSIONER DISTRICT IN THE COUNTY.

15 (2) THE PURPOSE OF EACH NOMINATING COMMISSION IS TO SELECT A
16 CANDIDATE FROM THE COUNTY COMMISSIONER DISTRICT TO BE RECOMMENDED
17 TO THE GOVERNOR AS QUALIFIED TO FILL A POSITION OR VACANCY ON THE
18 COUNTY BOARD.

19 (D) EACH NOMINATING COMMISSION CONSISTS OF THE FOLLOWING THREE
20 MEMBERS:

21 (1) A MEMBER APPOINTED BY THE DEMOCRATIC CENTRAL COMMITTEE
22 OF SOMERSET COUNTY;

23 (2) A MEMBER APPOINTED BY THE REPUBLICAN CENTRAL COMMITTEE
24 OF SOMERSET COUNTY; AND

25 (3) A MEMBER APPOINTED BY THE COUNTY COMMISSIONERS OF
26 SOMERSET COUNTY.

27 (E) THE SCHOOL BOARD NOMINATING COMMISSIONS SHALL JOINTLY AGREE
28 ON RULES TO GOVERN THEIR PROCEEDINGS.

29 (F) (1) IF A MAJORITY OF THE MEMBERS OF A NOMINATING COMMISSION
30 VOTE IN FAVOR OF ONE CANDIDATE, THE GOVERNOR SHALL APPOINT THAT
31 CANDIDATE.

32 (2) IF NO CANDIDATE RECEIVES A MAJORITY OF THE VOTES OF THE
33 NOMINATING COMMISSION, THE GOVERNOR SHALL APPOINT THE MEMBER OF THE
34 BOARD FROM THE RESIDENTS OF THE APPROPRIATE COUNTY COMMISSIONER
35 DISTRICT.

36 (G) (1) THE TERMS OF THE INTERIM INCUMBENT MEMBERS OF THE
37 COUNTY BOARD ELECTED FROM COUNTY COMMISSIONER DISTRICTS 1 AND 5 WHO
38 HOLD OFFICE ON OCTOBER 1, 1997 SHALL EXPIRE ON JUNE 30, 1999.

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1 (2) THE TERM OF THE INTERIM INCUMBENT MEMBER OF THE COUNTY
2 BOARD ELECTED FROM COUNTY COMMISSIONER DISTRICT 3 WHO HOLDS OFFICE
3 ON OCTOBER 1, 1997 SHALL EXPIRE ON JUNE 30, 2000.

4 (3) THE TERMS OF THE INTERIM INCUMBENT MEMBERS OF THE
5 COUNTY BOARD ELECTED FROM COUNTY COMMISSIONER DISTRICTS 2 AND 4 WHO
6 HOLD OFFICE ON OCTOBER 1, 1997 SHALL EXPIRE ON JUNE 30, 2001.

7 (H) THE CHAIRMAN OF THE COUNTY BOARD IS ENTITLED TO RECEIVE \$3,000
8 ANNUALLY AS COMPENSATION, AND THE OTHER MEMBERS ARE ENTITLED TO
9 RECEIVE \$2,700 EACH ANNUALLY AS COMPENSATION.

10 (I) THE CHAIRMAN AND OTHER MEMBERS ARE ENTITLED TO:

11 (1) REIMBURSEMENT FOR EXPENSES INCURRED IN OFFICIAL DUTIES
12 PERFORMED OUTSIDE SOMERSET COUNTY; AND

13 (2) \$500 PER MEMBER PER YEAR FOR EXPENSES INCURRED IN OFFICIAL
14 DUTIES PERFORMED WITHIN SOMERSET COUNTY.

15 3-114.

16 (a) In the following counties, the members of the county board shall be elected:

17 (1) Allegany;

18 (2) Calvert;

19 (3) Carroll;

20 (4) Charles;

21 (5) Garrett;

22 (6) Howard;

23 (7) Kent;

24 (8) Prince George's;

25 (9) Montgomery;

26 (10) St. Mary's; AND

27 (11) [Somerset; and

28 (12)] Washington.

29 [Subtitle 12. Somerset County.]

30 [3-1201.

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

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

3 (2) A candidate for the County Board shall be a registered voter of the
4 County.

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

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

9 (d) (1) Each member serves for a term of 4 years beginning on January 1 after
10 the member's election and until a successor is elected and qualifies.

11 (2) The Governor shall appoint a qualified individual to fill any vacancy on
12 the Board for the remainder of the term and until a successor is elected and qualifies.

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

14 (i) Immorality;

15 (ii) Misconduct in office;

16 (iii) Incompetency; or

17 (iv) Willful neglect of duty.

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

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

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

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

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

29 [3-1202.

30 At its first meeting at the beginning of each year, the County Board shall elect a
31 chairman from among its members.]

32 [3-1203.

33 (a) (1) Annual compensation for the Board is as follows:

34 (i) Chairman - \$3,000

35 (ii) Member - \$2,700

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1 (2) The County Commissioners may provide additional compensation in the
2 County budget.

3 (b) The Chairman and other members are entitled to:

4 (1) Reimbursement for expenses incurred in official duties performed
5 outside Somerset County; and

6 (2) \$500 per member per year for expenses incurred in official duties
7 performed within Somerset County.]

8 [3-1204.

9 (a) All final actions of the County Board shall be taken at a public meeting. The
10 Board shall keep a formal record of each public meeting.

11 (b) This section does not prohibit the Board from meeting and deliberating in
12 executive session provided that all action is taken at a public meeting.]

13 SECTION 2. AND BE IT FURTHER ENACTED, That, before this Act becomes
14 effective, it shall first be submitted to a referendum of the legally qualified voters of
15 Somerset County at the general election to be held in November 1998. The Board of
16 County Commissioners and the Board of Supervisors of Elections of Somerset County
17 shall do those things necessary and proper to provide for and hold the referendum
18 required by this section. If a majority of the votes cast on the question are "For the
19 referred law" the provisions of this Act shall become effective on the 30th day following
20 the official canvass of votes for the referendum, but if a majority of the votes cast on the
21 question are "Against the referred law" the provisions of this Act are of no effect and null
22 and void.

23 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
24 of Section 2 of this Act and for the sole purpose of providing for the referendum required
25 by Section 2, this Act shall take effect October 1, 1997.