

---

**By: Somerset County Delegation**

Introduced and read first time: January 24, 1997

Assigned to: Ways and Means

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 1997

---

## CHAPTER \_\_\_\_

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

2

1 Article - Education  
2 Section 3-1201 through 3-1204, inclusive, and the subtitle "Subtitle 12. Somerset  
3 County"  
4 Annotated Code of Maryland  
5 (1997 Replacement Volume)

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

8 **Article - Education**

9 3-108.

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

13 3-113.1.

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

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

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

20 (2) THE PURPOSE OF EACH NOMINATING COMMISSION IS TO SELECT A  
21 CANDIDATE FROM THE COUNTY COMMISSIONER DISTRICT TO BE RECOMMENDED  
22 TO THE GOVERNOR AS QUALIFIED TO FILL A POSITION OR VACANCY ON THE  
23 COUNTY BOARD.

24 (D) EACH NOMINATING COMMISSION CONSISTS OF THE FOLLOWING ~~THREE~~  
25 FIVE MEMBERS:

26 (1) A MEMBER APPOINTED BY THE DEMOCRATIC CENTRAL COMMITTEE  
27 OF SOMERSET COUNTY;

28 (2) A MEMBER APPOINTED BY THE REPUBLICAN CENTRAL COMMITTEE  
29 OF SOMERSET COUNTY; ~~AND~~

30 (3) A MEMBER APPOINTED BY THE COUNTY COMMISSIONERS OF  
31 SOMERSET COUNTY;

32 (4) A MEMBER APPOINTED BY THE COUNTYWIDE TEACHERS  
33 ORGANIZATION REPRESENTING A MAJORITY OF TEACHERS IN SOMERSET COUNTY  
34 FOR COLLECTIVE BARGAINING PURPOSES; AND

35 (5) A MEMBER APPOINTED BY THE PRESIDING OFFICERS OF THE  
36 COUNTYWIDE PARENTS AND TEACHERS ASSOCIATION REPRESENTING A MAJORITY  
37 OF PARENTS AND TEACHERS IN SOMERSET COUNTY.

3

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

3 (F) (1) IF A MAJORITY OF THE MEMBERS OF A NOMINATING COMMISSION  
4 VOTE IN FAVOR OF ONE CANDIDATE, THE GOVERNOR SHALL APPOINT THAT  
5 CANDIDATE.

6 (2) IF NO CANDIDATE RECEIVES A MAJORITY OF THE VOTES OF THE  
7 NOMINATING COMMISSION, THE GOVERNOR SHALL APPOINT THE MEMBER OF THE  
8 BOARD FROM THE RESIDENTS OF THE APPROPRIATE COUNTY COMMISSIONER  
9 DISTRICT.

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

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

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

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

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

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

25 (2) \$500 PER MEMBER PER YEAR FOR EXPENSES INCURRED IN OFFICIAL  
26 DUTIES PERFORMED WITHIN SOMERSET COUNTY.

27 3-114.

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

29 (1) Allegany;

30 (2) Calvert;

31 (3) Carroll;

32 (4) Charles;

33 (5) Garrett;

34 (6) Howard;

35 (7) Kent;

36 (8) Prince George's;

4

1 (9) Montgomery;

2 (10) St. Mary's; AND

3 (11) [Somerset; and

4 (12)] Washington.

5 [Subtitle 12. Somerset County.]

6 [3-1201.

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

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

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

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

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

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

19 (2) The Governor shall appoint a qualified individual to fill any vacancy on  
20 the Board for the remainder of the term and until a successor is elected and 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 request a  
28 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 may  
31 not be set within 10 days after the State Board sends the member a notice of the hearing;  
32 and

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

5

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 [3-1202.

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

6 [3-1203.

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

8 (i) Chairman - \$3,000

9 (ii) Member - \$2,700

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

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

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

15 (2) \$500 per member per year for expenses incurred in official duties  
16 performed within Somerset County.]

17 [3-1204.

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

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

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

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

