

HOUSE BILL 1105

Unofficial Copy
F3

1998 Regular Session
(8r1350)

ENROLLED BILL

-- Ways and Means/Economic and Environmental Affairs --

Introduced by **Somerset County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Somerset County ~~Board of Education~~ - Appointment Selection of Members -**
3 **Straw Ballot**

4 ~~FOR the purpose of requiring the Governor to appoint the members of the Somerset~~
5 ~~County Board of Education in accordance with certain procedures; specifying~~
6 ~~the composition of the County Board; establishing certain School Board~~
7 ~~nominating commissions in Somerset County; specifying the membership of the~~
8 ~~commissions; requiring the commissions to jointly adopt certain rules; specifying~~
9 ~~the expiration of the terms of the incumbent members of the County Board;~~
10 ~~specifying the compensation and reimbursement for certain expenses of the~~
11 ~~members of the County Board; repealing certain provisions of law relating to the~~
12 ~~County Board; 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 County Board.~~

15 ~~BY repealing and reenacting, without amendments,~~
16 ~~Article Education~~

1 ~~Section 3-108(a)~~
 2 ~~Annotated Code of Maryland~~
 3 ~~(1997 Replacement Volume and 1997 Supplement)~~

4 ~~BY repealing and reenacting, with amendments,~~
 5 ~~Article—Education~~
 6 ~~Section 3-114(a)~~
 7 ~~Annotated Code of Maryland~~
 8 ~~(1997 Replacement Volume and 1997 Supplement)~~

9 ~~BY adding to~~
 10 ~~Article—Education~~
 11 ~~Section 3-113~~
 12 ~~Annotated Code of Maryland~~
 13 ~~(1997 Replacement Volume and 1997 Supplement)~~

14 ~~BY repealing~~
 15 ~~Article—Education~~
 16 ~~Section 3-1201 through 3-1204, inclusive, and the subtitle "Subtitle 12.~~
 17 ~~Somerset County"~~
 18 ~~Annotated Code of Maryland~~
 19 ~~(1997 Replacement Volume and 1997 Supplement)~~
 20 FOR the purpose of requiring that a question be placed on the ballot in Somerset
 21 County at the November general election of 1998 to determine the sense of the
 22 voters of the County on the issue of changing the method of selecting members of
 23 the Somerset County Board of Education; providing for the carrying out of the
 24 straw ballot; and generally relating to the holding of a straw ballot in Caroline
 25 County.

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

28 **~~Article—Education~~**

29 ~~3-108.~~

30 ~~(a) Except for the New Baltimore City Board of School Commissioners~~
 31 ~~established under § 3-108.1 of this subtitle and counties listed in § 3-114 of this~~
 32 ~~subtitle, the Governor shall appoint the members of each county board from the~~
 33 ~~residents of that county.~~

34 ~~3-113.~~

35 ~~(A) THIS SECTION APPLIES TO THE APPOINTMENT OF MEMBERS OF THE~~
 36 ~~SOMERSET COUNTY BOARD.~~

1 ~~(B) ONE MEMBER SHALL BE APPOINTED FROM EACH COUNTY~~
2 ~~COMMISSIONER DISTRICT IN THE COUNTY.~~

3 ~~(C) (1) THERE IS A SCHOOL BOARD NOMINATING COMMISSION IN EACH~~
4 ~~COUNTY COMMISSIONER DISTRICT IN THE COUNTY.~~

5 ~~(2) THE PURPOSE OF EACH NOMINATING COMMISSION IS TO SELECT A~~
6 ~~CANDIDATE FROM THE COUNTY COMMISSIONER DISTRICT TO BE RECOMMENDED TO~~
7 ~~THE GOVERNOR AS QUALIFIED TO FILL A POSITION OR VACANCY ON THE COUNTY~~
8 ~~BOARD.~~

9 ~~(D) EACH NOMINATING COMMISSION CONSISTS OF THE FOLLOWING FIVE~~
10 ~~MEMBERS:~~

11 ~~(1) A MEMBER APPOINTED BY THE DEMOCRATIC CENTRAL COMMITTEE~~
12 ~~OF SOMERSET COUNTY;~~

13 ~~(2) A MEMBER APPOINTED BY THE REPUBLICAN CENTRAL COMMITTEE~~
14 ~~OF SOMERSET COUNTY;~~

15 ~~(3) A MEMBER APPOINTED BY THE COUNTY COMMISSIONERS OF~~
16 ~~SOMERSET COUNTY;~~

17 ~~(4) A MEMBER APPOINTED BY THE COUNTYWIDE TEACHERS'~~
18 ~~ORGANIZATION REPRESENTING A MAJORITY OF TEACHERS IN SOMERSET COUNTY~~
19 ~~FOR COLLECTIVE BARGAINING PURPOSES; AND~~

20 ~~(5) A MEMBER APPOINTED BY THE PRESIDING OFFICERS OF THE~~
21 ~~COUNTYWIDE PARENTS AND TEACHERS ASSOCIATION REPRESENTING A MAJORITY~~
22 ~~OF PARENTS AND TEACHERS IN SOMERSET COUNTY.~~

23 ~~(E) THE SCHOOL BOARD NOMINATING COMMISSIONS SHALL JOINTLY AGREE~~
24 ~~ON RULES TO GOVERN THEIR PROCEEDINGS.~~

25 ~~(F) (1) IF A MAJORITY OF THE MEMBERS OF A NOMINATING COMMISSION~~
26 ~~VOTE IN FAVOR OF ONE CANDIDATE, THE GOVERNOR SHALL APPOINT THAT~~
27 ~~CANDIDATE.~~

28 ~~(2) IF NO CANDIDATE RECEIVES A MAJORITY OF THE VOTES OF THE~~
29 ~~NOMINATING COMMISSION, THE GOVERNOR SHALL APPOINT THE MEMBER OF THE~~
30 ~~BOARD FROM THE RESIDENTS OF THE APPROPRIATE COUNTY COMMISSIONER~~
31 ~~DISTRICT.~~

32 ~~(G) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE~~
33 ~~TERMS OF MEMBERS SERVING ON JULY 1, 1999.~~

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

1 (e) Members of the Board shall be elected at a general election as required by
2 subsection (d) of this section.

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

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

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

9 (i) Immorality;

10 (ii) Misconduct in office;

11 (iii) Incompetency; or

12 (iv) Willful neglect of duty.

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

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

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

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

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

24 [3-1202.

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

27 [3-1203.

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

29 (1) Chairman—\$3,000

30 (2) Member—\$2,700

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

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

3 (2) \$500 per member per year for expenses incurred in official duties
4 performed within Somerset County.]

5 ~~{3-1204.~~

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

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

10 SECTION 2. ~~AND BE IT FURTHER ENACTED, That for the purpose of~~
11 ~~implementing the transition from an elected Board to an appointed Board, the terms~~
12 ~~of elected members of the Somerset County Board of Education serving on June 30,~~
13 ~~1999 shall expire as follows:~~

14 (1) The member elected from Commissioner District 1 on June 30, 1999;

15 (2) The member elected from Commissioner District 2 on June 30, 2000;

16 (3) The member elected from Commissioner District 3 on June 30, 2001;

17 (4) The member elected from Commissioner District 4 on June 30, 2002; and

18 (5) The member elected from Commissioner District 5 on June 30, 2003.

19 SECTION 3. ~~AND BE IT FURTHER ENACTED, That, before this Act becomes~~
20 ~~effective, it shall first be submitted to a referendum of the legally qualified voters of~~
21 ~~Somerset County at the general election to be held in November 1998. The Board of~~
22 ~~County Commissioners and the Board of Supervisors of Elections of Somerset County~~
23 ~~shall do those things necessary and proper to provide for and hold the referendum~~
24 ~~required by this section. If a majority of the votes cast on the question are "For the~~
25 ~~referred law" the provisions of this Act shall become effective on the 30th day~~
26 ~~following the official canvass of votes for the referendum, but if a majority of the votes~~
27 ~~east on the question are "Against the referred law" the provisions of this Act are of no~~
28 ~~effect and null and void.~~

29 SECTION 4. ~~AND BE IT FURTHER ENACTED, That, subject to the provisions~~
30 ~~of Section 3 of this Act and for the sole purpose of providing for the referendum~~
31 ~~required by Section 3, this Act shall take effect July 1, 1998.~~

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
33 MARYLAND, That under the provisions of Article 33 - Election Code of the Annotated
34 Code of Maryland, the Board of Supervisors of Elections of Somerset County, in
35 consultation with the State Board of Elections, shall prepare and include on the ballot
36 for the November general election of 1998 the following question:

1 "Do you favor changing the method of selection of the members of the Somerset
2 County Board of Education from election by the voters of Somerset County to
3 appointment by the Governor?"

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Supervisors
5 of Elections of Somerset County and the Board of County Commissioners of Somerset
6 County shall do those things necessary and proper to place this question on the ballot
7 prepared for the November general election of 1998, so that each participating voter in
8 the County may have the opportunity to cast a vote on the question. The question shall
9 be proposed, presented, and tallied, and reported in general accordance with the
10 provisions of Article 33 of the Annotated Code. The vote on this question is advisory
11 only.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 July 1, 1998.