

HOUSE BILL 1105

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HB 417/97 - W&M

1998 Regular Session  
8r1350

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By: **Somerset County Delegation**

Introduced and read first time: February 13, 1998

Assigned to: Ways and Means

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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  
5 the composition of the County Board; establishing certain School Board  
6 nominating commissions in Somerset County; specifying the membership of the  
7 commissions; requiring the commissions to jointly adopt certain rules; specifying  
8 the expiration of the terms of the incumbent members of the County Board;  
9 specifying the compensation and reimbursement for certain expenses of the  
10 members of the County Board; repealing certain provisions of law relating to the  
11 County Board; submitting this Act to a referendum of the legally qualified  
12 voters of Somerset County; and generally relating to the appointment of the  
13 members of the County Board.

14 BY repealing and reenacting, without amendments,  
15 Article - Education  
16 Section 3-108(a)  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 1997 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article - Education  
21 Section 3-114(a)  
22 Annotated Code of Maryland  
23 (1997 Replacement Volume and 1997 Supplement)

24 BY adding to  
25 Article - Education  
26 Section 3-113  
27 Annotated Code of Maryland  
28 (1997 Replacement Volume and 1997 Supplement)

29 BY repealing

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

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 New Baltimore City Board of School Commissioners  
11 established under § 3-108.1 of this subtitle and counties listed in § 3-114 of this  
12 subtitle, the Governor shall appoint the members of each county board from the  
13 residents of that county.

14 3-113.

15 (A) THIS SECTION APPLIES TO THE APPOINTMENT OF MEMBERS OF THE  
16 SOMERSET COUNTY BOARD.

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

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

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

25 (D) EACH NOMINATING COMMISSION CONSISTS OF THE FOLLOWING FIVE  
26 MEMBERS:

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

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

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

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

1 (5) A MEMBER APPOINTED BY THE PRESIDING OFFICERS OF THE  
2 COUNTYWIDE PARENTS AND TEACHERS ASSOCIATION REPRESENTING A MAJORITY  
3 OF PARENTS AND TEACHERS IN SOMERSET COUNTY.

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

6 (F) (1) IF A MAJORITY OF THE MEMBERS OF A NOMINATING COMMISSION  
7 VOTE IN FAVOR OF ONE CANDIDATE, THE GOVERNOR SHALL APPOINT THAT  
8 CANDIDATE.

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

13 (G) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE  
14 TERMS OF MEMBERS SERVING ON JULY 1, 1999.

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

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

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

21 (2) \$500 PER MEMBER PER YEAR FOR EXPENSES INCURRED IN OFFICIAL  
22 DUTIES PERFORMED WITHIN SOMERSET COUNTY.

23 3-114.

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

25 (1) Allegany;

26 (2) Calvert;

27 (3) Carroll;

28 (4) Charles;

29 (5) Garrett;

30 (6) Howard;

31 (7) Kent;

32 (8) Prince George's;

- 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  
18 after 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  
20 on the Board for the remainder of the term and until a successor is elected and  
21 qualifies.

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

- 23 (i) Immorality;  
24 (ii) Misconduct in office;  
25 (iii) Incompetency; or  
26 (iv) Willful neglect of duty.

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

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

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

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

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

8 [3-1202.

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

11 [3-1203.

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

13 (1) Chairman - \$3,000

14 (2) Member - \$2,700

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

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

18 (2) \$500 per member per year for expenses incurred in official duties  
19 performed within Somerset County.]

20 [3-1204.

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

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That for the purpose of  
26 implementing the transition from an elected Board to an appointed Board, the terms  
27 of elected members of the Somerset County Board of Education serving on June 30,  
28 1999 shall expire as follows:

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

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

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

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

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

2       SECTION 3. AND BE IT FURTHER ENACTED, That, before this Act becomes  
3 effective, it shall first be submitted to a referendum of the legally qualified voters of  
4 Somerset County at the general election to be held in November 1998. The Board of  
5 County Commissioners and the Board of Supervisors of Elections of Somerset County  
6 shall do those things necessary and proper to provide for and hold the referendum  
7 required by this section. If a majority of the votes cast on the question are "For the  
8 referred law" the provisions of this Act shall become effective on the 30th day  
9 following the official canvass of votes for the referendum, but if a majority of the votes  
10 cast on the question are "Against the referred law" the provisions of this Act are of no  
11 effect and null and void.

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