

HOUSE BILL 1105

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HB 417/97 - W&M

1998 Regular Session
8r1350

By: **Somerset County Delegation**

Introduced and read first time: February 13, 1998

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 25, 1998

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
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

1 Article - Education
2 Section 3-113
3 Annotated Code of Maryland
4 (1997 Replacement Volume and 1997 Supplement)

5 BY repealing
6 Article - Education
7 Section 3-1201 through 3-1204, inclusive, and the subtitle "Subtitle 12.
8 Somerset County"
9 Annotated Code of Maryland
10 (1997 Replacement Volume and 1997 Supplement)

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

13 **Article - Education**

14 3-108.

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

19 3-113.

20 (A) THIS SECTION APPLIES TO THE APPOINTMENT OF MEMBERS OF THE
21 SOMERSET COUNTY BOARD.

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

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

26 (2) THE PURPOSE OF EACH NOMINATING COMMISSION IS TO SELECT A
27 CANDIDATE FROM THE COUNTY COMMISSIONER DISTRICT TO BE RECOMMENDED TO
28 THE GOVERNOR AS QUALIFIED TO FILL A POSITION OR VACANCY ON THE COUNTY
29 BOARD.

30 (D) EACH NOMINATING COMMISSION CONSISTS OF THE FOLLOWING FIVE
31 MEMBERS:

32 (1) A MEMBER APPOINTED BY THE DEMOCRATIC CENTRAL COMMITTEE
33 OF SOMERSET COUNTY;

34 (2) A MEMBER APPOINTED BY THE REPUBLICAN CENTRAL COMMITTEE
35 OF SOMERSET COUNTY;

1 (3) A MEMBER APPOINTED BY THE COUNTY COMMISSIONERS OF
2 SOMERSET COUNTY;

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

6 (5) A MEMBER APPOINTED BY THE PRESIDING OFFICERS OF THE
7 COUNTYWIDE PARENTS AND TEACHERS ASSOCIATION REPRESENTING A MAJORITY
8 OF PARENTS AND TEACHERS IN SOMERSET COUNTY.

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

11 (F) (1) IF A MAJORITY OF THE MEMBERS OF A NOMINATING COMMISSION
12 VOTE IN FAVOR OF ONE CANDIDATE, THE GOVERNOR SHALL APPOINT THAT
13 CANDIDATE.

14 (2) IF NO CANDIDATE RECEIVES A MAJORITY OF THE VOTES OF THE
15 NOMINATING COMMISSION, THE GOVERNOR SHALL APPOINT THE MEMBER OF THE
16 BOARD FROM THE RESIDENTS OF THE APPROPRIATE COUNTY COMMISSIONER
17 DISTRICT.

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

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

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

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

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

28 3-114.

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

30 (1) Allegany;

31 (2) Calvert;

32 (3) Carroll;

33 (4) Charles;

34 (5) Garrett;

- 1 (6) Howard;
- 2 (7) Kent;
- 3 (8) Prince George's;
- 4 (9) Montgomery;
- 5 (10) St. Mary's; AND
- 6 (11) [Somerset; and
- 7 (12)] Washington.

8 [Subtitle 12. Somerset County.]

9 [3-1201.

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

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

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

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

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

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

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

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

- 26 (i) Immorality;
- 27 (ii) Misconduct in office;
- 28 (iii) Incompetency; or
- 29 (iv) Willful neglect of duty.

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

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

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

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

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

12 [3-1202.

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

15 [3-1203.

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

17 (1) Chairman - \$3,000

18 (2) Member - \$2,700

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

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

22 (2) \$500 per member per year for expenses incurred in official duties
23 performed within Somerset County.]

24 [3-1204.

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That for the purpose of
30 implementing the transition from an elected Board to an appointed Board, the terms
31 of elected members of the Somerset County Board of Education serving on June 30,
32 1999 shall expire as follows:

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

- 1 (2) The member elected from Commissioner District 2 on June 30, 2000;
- 2 (3) The member elected from Commissioner District 3 on June 30, 2001;
- 3 (4) The member elected from Commissioner District 4 on June 30, 2002; and
- 4 (5) The member elected from Commissioner District 5 on June 30, 2003.

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

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