

# HOUSE BILL 168

C2, K3, E4

(4lr0909)

## ENROLLED BILL

— *Economic Matters/Education, Health, and Environmental Affairs and Finance* —

Introduced by **Delegates Schulz, Afzali, Arentz, Aumann, Bates, Eckardt, Frank, George, Glass, Haddaway-Riccio, Hogan, Jacobs, Kramer, Krebs, Love, W. Miller, Minnick, Myers, Norman, O'Donnell, Olszewski, Otto, Schuh, Stifler, Szeliga, Vaughn, and Weir**

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 **Department of Labor, Licensing, and Regulation – Boards, Commissions, and**  
3 **Councils – Member Removal**

4 FOR the purpose of ~~requiring the Governor to remove~~ *providing that* a member of a  
5 certain board, commission, or council under the Department of Labor,  
6 Licensing, and Regulation *shall be considered to have resigned* if the member  
7 does not attend at least a certain number of meetings during ~~the prior year~~ *a*  
8 *certain period of time* while the member was serving on the board, commission,  
9 or council, subject to a certain exception; requiring certain notice to be provided  
10 to the Governor; requiring the Governor to appoint a successor under certain  
11 circumstances; making stylistic and technical changes; and generally relating to

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



1 the removal of appointed members of boards, commissions, and councils under  
2 the Department of Labor, Licensing, and Regulation.

3 BY renumbering

4 Article – Public Safety  
5 Section 12–904(e) through (i), respectively  
6 to be Section 12–904(f) through (j), respectively  
7 Annotated Code of Maryland  
8 (2011 Replacement Volume and 2013 Supplement)

9 BY repealing and reenacting, without amendments,

10 Article – Business Occupations and Professions  
11 Section 2–202(a) and (b) and 21–202(a) and (b)  
12 Annotated Code of Maryland  
13 (2010 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Business Occupations and Professions  
16 Section 2–202(g), 3–202(h), 4–202(g), 5–202(g), 6–202(h), 6.5–202(g), 7–202(h),  
17 8–202(j), 9–202(g), 11–202(g), 12–202(f), 14–202(h), 15–202(f), 16–202(f),  
18 17–202(g), and 21–202(e)  
19 Annotated Code of Maryland  
20 (2010 Replacement Volume and 2013 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Business Regulation  
23 Section 3–304(d), 4–202(d), 7–202(f), 9A–202(g), and 11–202(f)  
24 Annotated Code of Maryland  
25 (2010 Replacement Volume and 2013 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article – Business Regulation  
28 Section 8–202(g)  
29 Annotated Code of Maryland  
30 (2010 Replacement Volume and 2013 Supplement)

31 BY adding to

32 Article – Labor and Employment  
33 Section 11–403(c), 11–505(g), and 11–901(e)  
34 Annotated Code of Maryland  
35 (2008 Replacement Volume and 2013 Supplement)

36 BY adding to

37 Article – Public Safety  
38 Section 12–820(c) and 12–904(e)  
39 Annotated Code of Maryland  
40 (2011 Replacement Volume and 2013 Supplement)

1 BY repealing and reenacting, without amendments,  
2 Article – State Government  
3 Section 8–501  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2013 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
7 MARYLAND, That Section(s) 12–904(e) through (i), respectively, of Article – Public  
8 Safety of the Annotated Code of Maryland be renumbered to be Section(s) 12–904(f)  
9 through (j), respectively.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
11 read as follows:

12 **Article – Business Occupations and Professions**

13 2–202.

14 (a) (1) The Board consists of 7 members.

15 (2) Of the 7 members of the Board:

16 (i) 5 shall be licensed certified public accountants, of whom:

17 1. 4 shall practice certified public accountancy actively;

18 and

19 2. 1 shall be a full-time professor of accounting at an  
20 accredited college; and

21 (ii) 2 shall be consumer members.

22 (3) The Governor shall appoint the members with the advice of the  
23 Secretary.

24 (b) Each member of the Board shall be:

25 (1) a citizen of the United States; and

26 (2) a resident of the State.

27 (g) (1) The Governor may remove a member for incompetence or  
28 misconduct.

1           (2) The Governor shall remove a member who ceases to meet the  
2 requirements under which the member was appointed, as provided under subsections  
3 (a) and (b) of this section.

4           (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS  
5 SUBSECTION AND SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, ~~THE~~  
6 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
7 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
8 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
9 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

10           (4) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
11 ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
12 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
13 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

14           (5) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
15 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
16 GOVERNOR SHALL APPOINT A SUCCESSOR.

17 3-202.

18           (h) (1) The Governor may remove a member for incompetence or  
19 misconduct.

20           (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
21 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
22 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
23 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
24 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
25 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

26           (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
27 ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
28 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
29 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

30           (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
31 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
32 GOVERNOR SHALL APPOINT A SUCCESSOR.

33 4-202.

1 (g) (1) The Governor may remove a member for incompetence or  
2 misconduct.

3 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
4 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
5 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
6 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
7 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
8 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

9 (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
10 ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
11 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
12 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

13 (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
14 ARTICLE, THE PRESIDENT SHALL PROVIDE NOTICE TO THE GOVERNOR AND  
15 THE GOVERNOR SHALL APPOINT A SUCCESSOR.

16 5-202.

17 (g) (1) The Governor may remove a member for incompetence or  
18 misconduct.

19 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
20 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
21 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
22 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
23 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
24 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

25 (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
26 ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
27 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
28 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

29 (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
30 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
31 GOVERNOR SHALL APPOINT A SUCCESSOR.

32 6-202.

33 (h) (1) The Governor may remove a member for incompetence or  
34 misconduct.

1           (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
2 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
3 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
4 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
5 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
6 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

7           (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
8 ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
9 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
10 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

11           (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
12 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
13 GOVERNOR SHALL APPOINT A SUCCESSOR.

14 6.5-202.

15           (g) (1) The Governor may remove a member for incompetence,  
16 misconduct, neglect of duties, or other sufficient cause.

17           (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
18 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
19 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
20 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
21 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
22 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

23           (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
24 ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
25 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
26 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

27           (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
28 ARTICLE, THE CHAIR SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
29 GOVERNOR SHALL APPOINT A SUCCESSOR.

30 7-202.

31           (h) (1) The Governor may remove a member for:

32           [(1)] (I) incompetence;

1           [(2)] (II) misconduct; or

2           [(3)] (III) habitual or willful neglect of duty.

3           (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
4 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
5 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
6 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
7 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
8 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

9           (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
10 ALLOW ~~A~~ THE MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
11 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
12 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

13           (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
14 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
15 GOVERNOR SHALL APPOINT A SUCCESSOR.

16 8-202.

17           (j) (1) The Governor may remove a member for incompetence or  
18 misconduct.

19           (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
20 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
21 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
22 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
23 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
24 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

25           (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
26 ALLOW ~~A~~ THE MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
27 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
28 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

29           (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
30 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
31 GOVERNOR SHALL APPOINT A SUCCESSOR.

32 9-202.

1 (g) (1) The Governor may remove a member for incompetence or  
2 misconduct.

3 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
4 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
5 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
6 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
7 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
8 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

9 (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
10 ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
11 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
12 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

13 (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
14 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
15 GOVERNOR SHALL APPOINT A SUCCESSOR.

16 11-202.

17 (g) (1) The Governor may remove a member for incompetence or  
18 misconduct.

19 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
20 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
21 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
22 HAVE RESIGNED WHO HAS BEEN APPOINTED TO THE BOARD BY THE GOVERNOR  
23 IF THE MEMBER DID NOT ATTEND AT LEAST  
24 TWO-THIRDS OF THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY  
25 CONSECUTIVE 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE  
26 BOARD.

27 (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
28 ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
29 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
30 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

31 (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
32 ARTICLE, THE CHAIRPERSON SHALL PROVIDE NOTICE TO THE GOVERNOR AND  
33 THE GOVERNOR SHALL APPOINT A SUCCESSOR.

34 12-202.

1 (f) (1) The Governor may remove a member for incompetence or  
2 misconduct.

3 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
4 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
5 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
6 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
7 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
8 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

9 (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
10 ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
11 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
12 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

13 (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
14 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
15 GOVERNOR SHALL APPOINT A SUCCESSOR.

16 14-202.

17 (h) (1) The Governor may remove a member for incompetence,  
18 misconduct, neglect of duties, or other sufficient cause.

19 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
20 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
21 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
22 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
23 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
24 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

25 (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
26 ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
27 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
28 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

29 (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
30 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
31 GOVERNOR SHALL APPOINT A SUCCESSOR.

32 15-202.

33 (f) (1) The Governor may remove a member for incompetence,  
34 misconduct, neglect of duties, or other good cause.

1           (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
 2 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
 3 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
 4 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
 5 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
 6 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

7           (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
 8 ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
 9 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
 10 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

11           (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
 12 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
 13 GOVERNOR SHALL APPOINT A SUCCESSOR.

14 16-202.

15           (f) (1) The Governor may remove a member for incompetence or  
 16 misconduct.

17           (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
 18 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
 19 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
 20 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
 21 THE COMMISSION MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
 22 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE COMMISSION.

23           (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
 24 ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
 25 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
 26 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

27           (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
 28 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
 29 GOVERNOR SHALL APPOINT A SUCCESSOR.

30 17-202.

31           (g) (1) The Governor may remove a member for incompetence or  
 32 misconduct.

1           **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
 2 **SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~**  
 3 **~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO**  
 4 **HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF**  
 5 **THE COMMISSION MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE**  
 6 **12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE COMMISSION.**

7           **(3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND**  
 8 **ALLOW ~~A~~ THE MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN**  
 9 **UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE**  
 10 **GOVERNOR AND THE REASONS ARE MADE PUBLIC.**

11           **(4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT**  
 12 **ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE**  
 13 **GOVERNOR SHALL APPOINT A SUCCESSOR.**

14 21-202.

15           (a) (1) The Board consists of eight members of which:

16                           (i) seven shall have at least 5 years of tax preparation  
 17 experience; and

18                           (ii) one shall be a member of a nonprofit tax program or  
 19 nonprofit consumer advocate program.

20           (2) The Governor shall appoint the members with the advice of the  
 21 Secretary, the Comptroller, and the Attorney General.

22           (3) Members of the following groups shall be considered for  
 23 membership on the Board:

24                           (i) a member of a nonprofit tax program or nonprofit consumer  
 25 advocate program;

26                           (ii) a commercial individual tax preparer who has been in  
 27 practice in the State for more than 10 years and has at least 200 employees;

28                           (iii) a member of the Maryland Association of Certified Public  
 29 Accountants;

30                           (iv) a member of the Maryland Society of Accountants, Inc.;

31                           (v) a member of the Maryland State Bar Association; and

32                           (vi) a member of the National Association of Enrolled Agents.

1 (b) Each member of the Board shall be:

2 (1) a citizen of the United States; and

3 (2) a resident of the State.

4 (e) (1) The Governor may remove a member for incompetence,  
5 misconduct, neglect of duties, or other sufficient cause.

6 (2) The Governor shall remove a member who ceases to meet the  
7 requirements under which the member was appointed, as provided under subsections  
8 (a) and (b) of this section.

9 (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS  
10 SUBSECTION AND SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, ~~THE~~  
11 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
12 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
13 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
14 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

15 (4) THE GOVERNOR MAY WAIVE THE MEMBER'S RESIGNATION  
16 AND ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
17 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
18 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

19 (5) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
20 ARTICLE, THE CHAIR SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
21 GOVERNOR SHALL APPOINT A SUCCESSOR.

22 Article – Business Regulation

23 3-304.

24 (d) (1) The Governor may remove a member for incompetence or  
25 misconduct.

26 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
27 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
28 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
29 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
30 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
31 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

1           **(3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND**  
2 **ALLOW ~~A~~ THE MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN**  
3 **UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE**  
4 **GOVERNOR AND THE REASONS ARE MADE PUBLIC.**

5           **(4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT**  
6 **ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE**  
7 **GOVERNOR SHALL APPOINT A SUCCESSOR.**

8 4-202.

9           (d) **(1) The Governor may remove a member for incompetence or**  
10 **misconduct.**

11           **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
12 **SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~**  
13 **~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO**  
14 **HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF**  
15 **THE COMMISSION MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE**  
16 **12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE COMMISSION.**

17           **(3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND**  
18 **ALLOW ~~A~~ THE MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN**  
19 **UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE**  
20 **GOVERNOR AND THE REASONS ARE MADE PUBLIC.**

21           **(4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT**  
22 **ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE**  
23 **GOVERNOR SHALL APPOINT A SUCCESSOR.**

24 7-202.

25           (f) **(1) The Governor may remove an appointed member for incompetence**  
26 **or misconduct.**

27           **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
28 **SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~**  
29 **~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO**  
30 **HAVE RESIGNED WHO HAS BEEN APPOINTED TO THE BOARD BY THE GOVERNOR**  
31 **IF THE MEMBER DID NOT ATTEND AT LEAST**  
32 **TWO-THIRDS OF THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY**  
33 **CONSECUTIVE 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE**  
34 **BOARD.**

1           **(3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND**  
2 **ALLOW ~~A~~ THE MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN**  
3 **UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE**  
4 **GOVERNOR AND THE REASONS ARE MADE PUBLIC.**

5           **(4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT**  
6 **ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE**  
7 **GOVERNOR SHALL APPOINT A SUCCESSOR.**

8 8-202.

9           (g) (1) The Governor may remove a member for incompetence or  
10 misconduct.

11           (2) Except as provided in paragraph (3) of this subsection and subject  
12 to paragraph (4) of this subsection, the Governor shall remove a member if the  
13 member did not attend at least two-thirds of the Commission meetings held during  
14 the prior year while the member was serving on the Commission.

15           (3) The Governor may allow a member to continue serving if the  
16 member has been unable to attend meetings for reasons satisfactory to the Governor  
17 and the reasons are made public.

18           (4) In accordance with § 8-501 of the State Government Article, the  
19 chairman shall provide notice to the Governor and the Governor shall appoint a  
20 successor.

21 9A-202.

22           (g) (1) The term of a member is 3 years.

23           (2) The terms of members are staggered as required by the terms  
24 provided for members of the Board on January 1, 1993.

25           (3) At the end of a term, a member continues to serve until a successor  
26 is appointed and qualifies.

27           (4) A member who is appointed after a term has begun serves only for  
28 the rest of the term and until a successor is appointed and qualifies.

29           (5) Board members are eligible for reappointment, but may not serve  
30 more than 2 consecutive terms.

31           **[~~(6)~~ (H) (1)** The Governor may remove a member for  
32 incompetence or misconduct.

1           (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
 2 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
 3 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
 4 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
 5 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
 6 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

7           (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
 8 ALLOW ~~A~~ THE MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
 9 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
 10 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

11           (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
 12 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
 13 GOVERNOR SHALL APPOINT A SUCCESSOR.

14 11-202.

15           (f) (1) Subject to the hearing requirements of [this] subsection (G) OF  
 16 THIS SECTION, the Governor, with the advice of the Secretary, may remove a member  
 17 of the Commission for inefficiency, misconduct in office, or neglect of duty.

18           (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
 19 SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ~~THE~~  
 20 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
 21 HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF  
 22 THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE  
 23 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.

24           (3) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
 25 ALLOW ~~A~~ THE MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
 26 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
 27 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

28           (4) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
 29 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
 30 GOVERNOR SHALL APPOINT A SUCCESSOR.

31           [(2)] (G)       (1) Before the Governor removes a member, the Governor  
 32 shall give the member an opportunity for a public hearing.

33           [(3)] (2)       At least 10 days before the hearing, the Governor shall give  
 34 the member:

- 1 (i) a copy of the charges; and  
 2 (ii) notice of the time and place of the hearing.

3 **[(4)] (3)** The member may be represented at the hearing by counsel.

4 **[(5)] (4)** If the Governor removes a member, the Governor shall  
 5 submit to the Secretary of State:

- 6 (i) a statement of all charges made against the member;  
 7 (ii) the findings of the Governor; and  
 8 (iii) a record of the proceedings.

9 **Article – Labor and Employment**

10 11–403.

11 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
 12 **SUBSECTION AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ~~THE~~**  
 13 **~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO**  
 14 **HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO–THIRDS OF**  
 15 **THE COUNCIL MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE**  
 16 **12–MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE COUNCIL.**

17 **(2) THE GOVERNOR MAY WAIVE A MEMBER’S RESIGNATION AND**  
 18 **ALLOW ~~A~~ THE MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN**  
 19 **UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE**  
 20 **GOVERNOR AND THE REASONS ARE MADE PUBLIC.**

21 **(3) IN ACCORDANCE WITH § 8–501 OF THE STATE GOVERNMENT**  
 22 **ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE**  
 23 **GOVERNOR SHALL APPOINT A SUCCESSOR.**

24 11–505.

25 **(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
 26 **SUBSECTION AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ~~THE~~**  
 27 **~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO**  
 28 **HAVE RESIGNED IF THE MEMBER DID NOT ATTEND AT LEAST TWO–THIRDS OF**  
 29 **THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY CONSECUTIVE**  
 30 **12–MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE BOARD.**



1 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
2 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

3 (3) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
4 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
5 GOVERNOR SHALL APPOINT A SUCCESSOR.

6 12-904.

7 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
8 SUBSECTION AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ~~THE~~  
9 ~~GOVERNOR SHALL REMOVE A MEMBER~~ A MEMBER SHALL BE CONSIDERED TO  
10 HAVE RESIGNED WHO HAS BEEN APPOINTED TO THE BOARD BY THE GOVERNOR  
11 IF THE MEMBER DID NOT ATTEND AT LEAST  
12 TWO-THIRDS OF THE BOARD MEETINGS HELD DURING ~~THE PRIOR YEAR~~ ANY  
13 CONSECUTIVE 12-MONTH PERIOD WHILE THE MEMBER WAS SERVING ON THE  
14 BOARD.

15 (2) THE GOVERNOR MAY WAIVE A MEMBER'S RESIGNATION AND  
16 ALLOW A ~~THE~~ MEMBER TO CONTINUE SERVING IF THE MEMBER HAS BEEN  
17 UNABLE TO ATTEND MEETINGS FOR REASONS SATISFACTORY TO THE  
18 GOVERNOR AND THE REASONS ARE MADE PUBLIC.

19 (3) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT  
20 ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE  
21 GOVERNOR SHALL APPOINT A SUCCESSOR.

22 Article - State Government

23 8-501.

24 (a) A member of a State board or commission appointed by the Governor who  
25 fails to attend at least 50% of the meetings of the board or commission during any  
26 consecutive 12-month period shall be considered to have resigned.

27 (b) Not later than January 15 of the year following the end of the 12-month  
28 period the chairman of the board or commission shall forward to the Governor:

29 (1) the name of the individual considered to have resigned; and

30 (2) a statement describing the individual's history of attendance  
31 during the period.

1 (c) Except as provided in subsection (d) of this section, after receiving the  
2 chairman's statement the Governor shall appoint a successor for the remainder of the  
3 term of the individual.

4 (d) If the individual has been unable to attend meetings for reasons  
5 satisfactory to the Governor, the Governor may waive the resignation if the reasons  
6 are made public.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.