

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 168
Economic Matters

(Delegate Schulz, *et al.*)

Education, Health, and Environmental Affairs
and Finance

Department of Labor, Licensing, and Regulation - Boards, Commissions, and
Councils - Member Removal

This bill establishes that a Governor-appointed member of specified boards, commissions, and councils under the Department of Labor, Licensing, and Regulation (DLLR) is considered to have resigned if the member does not attend at least two-thirds of the official meetings held during any consecutive 12-month period. The Governor may waive a member's resignation and allow the member to continue serving if the reasons provided by the member for nonattendance are satisfactory to the Governor and the reasons are made public. The chair of a board, commission, or council must provide notice to the Governor of a member's resignation, and the Governor must appoint a successor.

Fiscal Summary

State Effect: None. Altering the member removal process for the specified boards, commissions, and councils has no effect on State funds.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The boards, commissions, and councils subject to the bill's provisions are shown below in **Exhibit 1**.

Exhibit 1
DLLR Boards, Commissions, and Councils Subject to Resignation Provisions
Under the Bill

Board, Commission, or Council

State Board of Architects
State Athletic Commission
State Board of Barbers
State Board of Cosmetologists
State Board of Stationary Engineers
State Board of Master Electricians
Elevator Safety Review Board
State Board of Plumbing
State Board for Professional Engineers
State Board of Public Accountancy
State Real Estate Commission
State Board of Examiners of Landscape Architects
State Board of Foresters
State Board for Professional Land Surveyors
State Board of Pilots
State Commission of Real Estate Appraisers, Appraisal
Management Companies, and Home Inspectors
State Board of Heating, Ventilation, Air Conditioning,
and Refrigeration Contractors
State Board of Certified Interior Designers
State Board of Individual Tax Preparers
State Amusement Ride Safety Advisory Board
State Collection Agency Licensing Board
State Racing Commission
Maryland Apprenticeship and Training Council
Governor's Workforce Investment Board
Education and Workforce Training Coordinating Council
for Correctional Institutions
Board of Boiler Rules

Source: Department of Legislative Services

Current Law: Generally, the Governor may remove a member of a State board or commission for incompetence or misconduct. A member of a State board or commission

appointed by the Governor (which includes health occupations boards not affected by the bill) who fails to attend at least one-half (as opposed to two-thirds, under the bill) of the meetings of the board or commission during any 12-month period must be considered to have resigned. This provision remains in effect under the bill. No later than January 15 of the year following the end of the 12-month period the chairman of the board or commission must forward to the Governor the name of the individual considered to have resigned and a statement describing the individual's history of attendance during that period. The Governor may allow a member to continue serving if the member has been unable to attend meetings for reasons satisfactory to the Governor and the reasons are made public. When the individual is removed, the Governor must appoint a successor for the remainder of the term of the individual.

Background: Chapter 440 of 2013 requires the Governor to remove a member of the Maryland Home Improvement Commission if the member did not attend at least two-thirds of the commission meetings held during the prior year. The Governor may allow a member to continue serving if the member has been unable to attend meetings for reasons satisfactory to the Governor and the reasons are made public. When an individual is removed, the Governor must then appoint a successor. The bill leaves these provisions unchanged.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Governor's Office; Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2014
ncs/mcr Revised - Enrolled Bill - May 7, 2014

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