

HOUSE BILL 168

C2, K3, E4

4lr0909

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**

Introduced and read first time: January 15, 2014

Assigned to: Economic Matters

A BILL ENTITLED

AN ACT concerning

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

FOR the purpose of requiring the Governor to remove a member of a certain board, commission, or council under the Department of Labor, Licensing, and Regulation if the member does not attend at least a certain number of meetings during the prior year while the member was serving on the board, commission, or council, subject to a certain exception; requiring certain notice to be provided to the Governor; requiring the Governor to appoint a successor under certain circumstances; making stylistic and technical changes; and generally relating to the removal of appointed members of boards, commissions, and councils under the Department of Labor, Licensing, and Regulation.

BY renumbering

Article – Public Safety

Section 12–904(e) through (i), respectively

to be Section 12–904(f) through (j), respectively

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,

Article – Business Occupations and Professions

Section 2–202(a) and (b) and 21–202(a) and (b)

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – Business Occupations and Professions

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 2–202(g), 3–202(h), 4–202(g), 5–202(g), 6–202(h), 6.5–202(g), 7–202(h),
8–202(j), 9–202(g), 11–202(g), 12–202(f), 14–202(h), 15–202(f), 16–202(f),
17–202(g), and 21–202(e)

Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 3–304(d), 4–202(d), 7–202(f), 9A–202(g), and 11–202(f)
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 8–202(g)
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

BY adding to
Article – Labor and Employment
Section 11–403(c), 11–505(g), and 11–901(e)
Annotated Code of Maryland
(2008 Replacement Volume and 2013 Supplement)

BY adding to
Article – Public Safety
Section 12–820(c) and 12–904(e)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

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

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

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

Article – Business Occupations and Professions

2–202.

- (a) (1) The Board consists of 7 members.
- (2) Of the 7 members of the Board:
- (i) 5 shall be licensed certified public accountants, of whom:
1. 4 shall practice certified public accountancy actively;
 2. 1 shall be a full-time professor of accounting at an accredited college; and
- (ii) 2 shall be consumer members.
- (3) The Governor shall appoint the members with the advice of the Secretary.
- (b) Each member of the Board shall be:
- (1) a citizen of the United States; and
 - (2) a resident of the State.
- (g) (1) The Governor may remove a member for incompetence or misconduct.
- (2) The Governor shall remove a member who ceases to meet the requirements under which the member was appointed, as provided under subsections (a) and (b) of this section.
- (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.**
- (4) 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.**
- (5) IN ACCORDANCE WITH § 8-501 OF THE STATE GOVERNMENT ARTICLE, THE CHAIRMAN SHALL PROVIDE NOTICE TO THE GOVERNOR AND THE GOVERNOR SHALL APPOINT A SUCCESSOR.**

3-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

4-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

5-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

6-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

6.5-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT

LEAST TWO–THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

7–202.

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

[(1)] (I) incompetence;

[(2)] (II) misconduct; or

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO–THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

8–202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE

GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

9-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

11-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER WHO HAS BEEN APPOINTED TO THE BOARD BY THE GOVERNOR IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

12-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

14-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

15-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

16-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE COMMISSION MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE COMMISSION.

(3) 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.

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

17-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE COMMISSION MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE COMMISSION.

(3) 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.

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

21-202.

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

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

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

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

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

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

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

Accountants;

- (iii) a member of the Maryland Association of Certified Public Accountants;
- (iv) a member of the Maryland Society of Accountants, Inc.;
- (v) a member of the Maryland State Bar Association; and
- (vi) a member of the National Association of Enrolled Agents.

(b) Each member of the Board shall be:

- (1) a citizen of the United States; and
- (2) a resident of the State.

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

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

(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(4) 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.

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

Article – Business Regulation

3-304.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

4-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE COMMISSION MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE COMMISSION.

(3) 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.

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

7-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER WHO HAS BEEN APPOINTED TO THE BOARD BY THE GOVERNOR IF THE MEMBER DID NOT ATTEND AT LEAST

TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

8-202.

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

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

(3) 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.

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

9A-202.

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

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

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

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

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

[(6)] (H) (1) The Governor may remove a member for incompetence or misconduct.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

11-202.

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

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(3) 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.

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

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

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

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

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

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

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

Article – Labor and Employment

11-403.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE COUNCIL MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE COUNCIL.

(2) 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.

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

11-505.

(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(2) 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.

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

11-901.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER WHO HAS BEEN APPOINTED TO THE COUNCIL BY THE GOVERNOR IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE COUNCIL MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE COUNCIL.

(2) 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.

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

Article – Public Safety

12-820.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER WHO HAS BEEN APPOINTED TO THE BOARD BY THE GOVERNOR IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(2) 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.

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

12-904.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNOR SHALL REMOVE A MEMBER WHO HAS BEEN APPOINTED TO THE BOARD BY THE GOVERNOR IF THE MEMBER DID NOT ATTEND AT LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE THE MEMBER WAS SERVING ON THE BOARD.

(2) 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.

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

Article – State Government

8-501.

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

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

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

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

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

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

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