

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 809

(Delegate Vogel, *et al.*)

Health and Government Operations

Education, Energy, and the Environment

Members of Boards, Committees, Commissions, Task Forces, or Workgroups –
Removal or Suspension

The bill establishes, except as otherwise provided by law, that a member of a board, committee, commission, task force, or workgroup created by State law may be removed or suspended for misconduct, incompetence, neglect of duties, or other good cause by the individual or entity that appointed the member. An individual or entity that appointed a member may remove or suspend the member only after (1) consultation with the chair of the board, committee, commission, task force, or workgroup (unless the member being removed is the chair), and (2) the member has been given notice and an opportunity to be heard regarding the reason for removal or suspension. The bill does not apply to a standing committee of the General Assembly or a committee established under Title 2 of the State Government Article (“General Assembly”). Nothing in the bill is intended to limit the rights of a member to express the member’s views on matters of public concern to the fullest extent protected for a public official by the U.S. Constitution or by the Maryland Constitution.

Fiscal Summary

State Effect: Since it is assumed that this bill applies in a limited number of cases, State finances are not materially affected. The bill may have a minimal operational effect on some affected entities to the extent that removal of a member disrupts their work.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law: Generally, when a committee, commission, task force, or workgroup is created by State law, provisions are established for the appointment of members for that specific body. The statutory language that authorizes the creation of a specified body may contain provisions regarding the removal of a member or specify that the members serve at the pleasure of the appointing authority. In some instances, the language requires automatic disqualification if a member does not attend a specified number or percentage of meetings.

Most long-standing boards and commissions in the State include provisions for the removal of appointed members, although the process and causes for removal vary widely. For instance, the State Board of Education, the State Board of Elections, the Board of Trustees of the State Retirement and Pension System, the Maryland Parole Commission, the Interagency Commission on School Construction, as well as virtually all regulatory boards and commissions in the Maryland Department of Labor and the Maryland Department of Health all allow for the removal of appointed members. However, some affected entities do not have provisions for the removal of appointed members, including the Maryland Transportation Authority and many temporary commissions, work groups, or task forces.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Commerce; Maryland Commission on Civil Rights; State Board of Contract Appeals; Maryland Association of Counties; Maryland Department of Emergency Management; Maryland Municipal League; Office of the Attorney General; Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland State Department of Education; University System of Maryland; Maryland Department of Agriculture; Maryland Department of the Environment; Maryland Department of Health; Department of Housing and Community Development; Department of Human Services; Maryland Department of Labor; Department of Natural Resources; Department of Public Safety and Correctional Services; Board of Public Works; Department of State Police; Office of Administrative Hearings; Maryland State Board of Elections; Maryland Energy Administration; State Ethics Commission; Maryland Insurance Administration; Public Service Commission; Baltimore City Public Schools; Baltimore County Public Schools; Montgomery County Public Schools; Department of Legislative Services

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