

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

Committee Report: Favorable

House action: Adopted

Read second time: February 19, 2014

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

13 BY renumbering

14 Article – Public Safety

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

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

17 Annotated Code of Maryland

18 (2011 Replacement Volume and 2013 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – Business Occupations and Professions

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.



1 Section 2–202(a) and (b) and 21–202(a) and (b)
2 Annotated Code of Maryland
3 (2010 Replacement Volume and 2013 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article – Business Occupations and Professions
6 Section 2–202(g), 3–202(h), 4–202(g), 5–202(g), 6–202(h), 6.5–202(g), 7–202(h),
7 8–202(j), 9–202(g), 11–202(g), 12–202(f), 14–202(h), 15–202(f), 16–202(f),
8 17–202(g), and 21–202(e)
9 Annotated Code of Maryland
10 (2010 Replacement Volume and 2013 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Business Regulation
13 Section 3–304(d), 4–202(d), 7–202(f), 9A–202(g), and 11–202(f)
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2013 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Business Regulation
18 Section 8–202(g)
19 Annotated Code of Maryland
20 (2010 Replacement Volume and 2013 Supplement)

21 BY adding to
22 Article – Labor and Employment
23 Section 11–403(c), 11–505(g), and 11–901(e)
24 Annotated Code of Maryland
25 (2008 Replacement Volume and 2013 Supplement)

26 BY adding to
27 Article – Public Safety
28 Section 12–820(c) and 12–904(e)
29 Annotated Code of Maryland
30 (2011 Replacement Volume and 2013 Supplement)

31 BY repealing and reenacting, without amendments,
32 Article – State Government
33 Section 8–501
34 Annotated Code of Maryland
35 (2009 Replacement Volume and 2013 Supplement)

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

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

3 **Article – Business Occupations and Professions**

4 2–202.

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

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

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

8 1. 4 shall practice certified public accountancy actively;

9 and

10 2. 1 shall be a full–time professor of accounting at an
11 accredited college; and

12 (ii) 2 shall be consumer members.

13 (3) The Governor shall appoint the members with the advice of the
14 Secretary.

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

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

17 (2) a resident of the State.

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

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

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

28 **(4) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE**
29 **SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR**

1 REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE
2 PUBLIC.

3 (5) 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 3-202.

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

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

14 (3) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE
15 SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR
16 REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE
17 PUBLIC.

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

21 4-202.

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

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

29 (3) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE
30 SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR
31 REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE
32 PUBLIC.

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

4 5-202.

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

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

12 **(3) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE**
13 **SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR**
14 **REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE**
15 **PUBLIC.**

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

19 6-202.

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

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

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

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

1 6.5-202.

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

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

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

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

16 7-202.

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

18 [(1)] (I) incompetence;

19 [(2)] (II) misconduct; or

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

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

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

1 8-202.

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

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

9 (3) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE
10 SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR
11 REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE
12 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 9-202.

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 IF THE MEMBER DID NOT ATTEND AT
22 LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR
23 WHILE THE MEMBER WAS SERVING ON THE BOARD.

24 (3) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE
25 SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR
26 REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE
27 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 11-202.

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 WHO HAS BEEN APPOINTED TO THE
6 BOARD BY THE GOVERNOR IF THE MEMBER DID NOT ATTEND AT LEAST
7 TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE
8 THE MEMBER WAS SERVING ON THE BOARD.

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

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

16 12-202.

17 (f) (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 IF THE MEMBER DID NOT ATTEND AT
22 LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR
23 WHILE THE MEMBER WAS SERVING ON THE BOARD.

24 (3) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE
25 SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR
26 REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE
27 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 14-202.

32 (h) (1) The Governor may remove a member for incompetence,
33 misconduct, neglect of duties, or other sufficient 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 IF THE MEMBER DID NOT ATTEND AT**
4 **LEAST TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR**
5 **WHILE THE MEMBER WAS SERVING ON THE BOARD.**

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

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

13 15-202.

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

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

21 **(3) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE**
22 **SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR**
23 **REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE**
24 **PUBLIC.**

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

28 16-202.

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

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

1 LEAST TWO-THIRDS OF THE COMMISSION MEETINGS HELD DURING THE PRIOR
2 YEAR WHILE THE MEMBER WAS SERVING ON THE COMMISSION.

3 (3) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE
4 SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR
5 REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE
6 PUBLIC.

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

10 17-202.

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

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

18 (3) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE
19 SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR
20 REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE
21 PUBLIC.

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

25 21-202.

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

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

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

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

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

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

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

7 (iii) a member of the Maryland Association of Certified Public
8 Accountants;

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

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

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

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

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

14 (2) a resident of the State.

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

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

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

25 **(4) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE**
26 **SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR**
27 **REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE**
28 **PUBLIC.**

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

1

Article – Business Regulation

2 3–304.

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

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

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

14 (4) 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 4–202.

18 (d) (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 IF THE MEMBER DID NOT ATTEND AT
23 LEAST TWO–THIRDS OF THE COMMISSION MEETINGS HELD DURING THE PRIOR
24 YEAR WHILE THE MEMBER WAS SERVING ON THE COMMISSION.

25 (3) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE
26 SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR
27 REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE
28 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 7–202.

1 (f) (1) The Governor may remove an appointed member for incompetence
2 or 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 WHO HAS BEEN APPOINTED TO THE**
6 **BOARD BY THE GOVERNOR IF THE MEMBER DID NOT ATTEND AT LEAST**
7 **TWO-THIRDS OF THE BOARD MEETINGS HELD DURING THE PRIOR YEAR WHILE**
8 **THE MEMBER WAS SERVING ON THE BOARD.**

9 (3) **THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE**
10 **SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR**
11 **REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE**
12 **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 (g) (1) The Governor may remove a member for incompetence or
18 misconduct.

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

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

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

29 9A-202.

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

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

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

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

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

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

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

12 **(3) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE**
13 **SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR**
14 **REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE**
15 **PUBLIC.**

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

19 11-202.

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

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

28 **(3) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE**
29 **SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR**
30 **REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE**
31 **PUBLIC.**

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

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

6 **[(3)] (2)** At least 10 days before the hearing, the Governor shall give
 7 the member:

8 (i) a copy of the charges; and

9 (ii) notice of the time and place of the hearing.

10 **[(4)] (3)** The member may be represented at the hearing by counsel.

11 **[(5)] (4)** If the Governor removes a member, the Governor shall
 12 submit to the Secretary of State:

13 (i) a statement of all charges made against the member;

14 (ii) the findings of the Governor; and

15 (iii) a record of the proceedings.

16 **Article – Labor and Employment**

17 11-403.

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

23 **(2) THE GOVERNOR MAY ALLOW A MEMBER TO CONTINUE**
 24 **SERVING IF THE MEMBER HAS BEEN UNABLE TO ATTEND MEETINGS FOR**
 25 **REASONS SATISFACTORY TO THE GOVERNOR AND THE REASONS ARE MADE**
 26 **PUBLIC.**

27 **(3) 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 11-505.

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:

Governor.

Speaker of the House of Delegates.

President of the Senate.