

SENATE VERSION - HB809- Members of Boards, Committ

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Written Testimony
House Bill 809 - Members of Boards, Committees, Commissions, Task Forces, or Workgroups – Removal or Suspension Education, Energy, and the Environment Committee – March 21, 2024 Support

Background: In partnership with the Attorney General's Office, HB809 would give authority to the individual or entity that has appointed someone to serve on a statutorily created board, committee, commission, task force, or workgroup to suspend or remove the member for misconduct, incompetence, neglect of duties, or any other cause deemed reasonable.

Written Comments: This legislative effort comes as a direct result of Attorney General Brown's temporary suspension of CAIR Maryland's appointee on AG's Hate Crimes Commission - he reinstated this member a week later out of concern that he did not have proper authority to suspend or remove a commissioner. The Baltimore Jewish Council is grateful for Attorney General Brown's collaboration on crafting this bill.

It's important for there to be a mechanism for suspending or removing a member of a statutorily created board, committee, commission, task force, or workgroup if they no longer represent the best interest of the group. For example, if someone who is appointed to the Maryland Sexual Assault Evidence Kit Policy and Funding Commission is accused of committing sexual assault, they need to be able to be removed, or at least suspended until the accusation is resolved. Another example could be the need to suspend a physician from the State Board of Physicians due to pending litigation and until the case has ended.

By creating an equal mechanism across the board for these appointed positions, the State of Maryland can ensure that the most qualified individuals are represented without controversy.

For these reasons, the Baltimore Jewish Council asks for a favorable report on HB809.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

JCRC HB 809 Senate Sub Cmte Hearing - Members of B

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**Testimony in SUPPORT of *House Bill 809*–
*Members of Boards, Committees, Commissions, Task Forces or Workgroups –
Removal or Suspension*
Education, Energy, and the Environment Committee
March 21, 2024**

The Jewish Community Relations Council of Greater Washington (JCRC) serves as the public affairs and community relations arm of the Jewish community. We represent over 100 Jewish organizations and synagogues throughout Maryland, Virginia, and the District of Columbia. The JCRC is strongly committed to cultivating a society based on freedom, justice, and pluralism. We work throughout the region to advocate for our agencies that serve the most vulnerable residents and to campaign for important policy interests on behalf of the Jewish community and all Marylanders.

The JCRC supports House Bill 809- Members of Boards, Committees, Commissions, Task Forces, or Workgroups- Removal or Suspension. Our organization is one of 23 members of the State’s Commission on Hate Crimes Response and Prevention. This Commission is tasked with eradicating hate crimes and bias incidents and with supporting individuals and communities victimized by hate. Right now, our Jewish community is under assault. According to the ADL, antisemitic incidents in 2022 surged to the highest level ever with Maryland seeing a 98% increase. In Montgomery County, incidents were up 261%. And since the horrific Hamas terrorist attack in Israel on October 7th, antisemitic incidents have skyrocketed 361% compared to the same period in the previous year.

This Commission – chaired by the Attorney General -is critical in helping not only the Jewish community, but all marginalized racial, ethnic, faith and LGBTQ+ communities- to combat hatred and feel safe & secure. The commission can NOT do that work if its members don’t abide by core values such as respect, empathy, and professionalism. It cannot function if the Attorney General doesn’t have the power to remove members for justified reasons as outlined in the Bill.

When this Commission was established last year, there were no guiding principles or code of conduct, including standards of public communications on social media. Also, there was no mechanism created for the Attorney General to remove a member if they violated the code of conduct. HB 809 fills this vacuum. It will give the Attorney General the authority to suspend or remove a member for misconduct, incompetence, neglect of duties, or any other cause deemed reasonable. Members must hold themselves to the highest level of accountability and integrity.

If they no longer represent the best interest of the group, the Attorney General must have the ability to remove them. For this reason, we ask for a favorable report on House Bill 809.

HB809 Testimony Members of Boards, Committees, Com

Uploaded by: Joe Vogel

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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**HB809: Members of Boards, Committees, Commissions, Task Forces, or
Workgroups – Removal or Suspension**

Senate Education, Energy, and the Environment Committee

Thursday, March 21, 2024 1:00PM

Chair Feldman, Vice Chair Kagan, and Members of the Education, Energy, and the Environment Committee:

HB809 is a bill requested by the Office of the Attorney General to standardize procedures for the suspension or removal of a member of a board, committee, commission, task force, or workgroup created by State law. This would establish that a member may be removed or suspended for misconduct, incompetence, neglect of duties, or other good cause by the individual or entity that appointed the member.

Currently, there is not a standard policy across boards, committees, commissions, task forces, and workgroups for the removal of members. If the law that created the body does not explicitly address the question of removal or suspension of members, then there is little in practice that can be done in the event of member misconduct, incompetence, neglect of duties, or other good cause.

Under this bill, a member may be removed or suspended after (1) a consultation with the Chair of the board, committee, commission, task force, or workgroup; and (2) the member has been given notice and an opportunity to be heard regarding the reason for their removal or suspension. This bill would not apply to the removal of a member from a standing committee.

We have introduced an amendment to clarify that a consultation with the Chair would not be required if the member in question is the Chair of the body, and that this legislation would not limit the rights of a member to express their views to the fullest extent protected for a public official by the U.S. Constitution or by the Maryland Constitution.

A fair, consistent process begets transparency and legitimacy. In the context of a significant decision regarding the potential removal or suspension of a member, it is critical that such a standard is in place.

I urge the committee to give a favorable report on HB809.

2024-03-20 HB 809 Senate (Favorable).pdf

Uploaded by: Peter Berns

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March 21, 2024

TO: The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee

FROM: Peter V. Berns
General Counsel, Executive Division, Office of the Attorney General
Chair-designee, Maryland Commission on Hate Crime Response & Prevention

RE: House Bill 809 – Members of Boards, Committees, Commissions, Task Forces, or Workgroups – Removal or Suspension – **Favorable**

The Office of the Attorney General requests a favorable report on House Bill 809 - Members of Boards, Committees, Commissions, Task Forces, or Workgroups – Removal or Suspension, sponsored by Delegates Vogel, Alston, Bagnall, Bhandari, Chisholm, Cullison, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Szeliga, Taveras, and Woods.

House Bill 809 grants authority to an “individual or entity” that appointed member(s) for a “fixed term to a board, committee, commission, task force, or work group created by State law” to suspend or remove a member in certain circumstances. Suspension or removal is allowed for “misconduct, incompetence, neglect of duties, or other good cause.” The Bill, as amended, requires consultation with the body's chair, except where the member being removed or suspended is the chair. It also grants “notice and an opportunity to be heard” to the member subject to suspension or removal.

HB 809 is needed to fill a gap in current law. Maryland Constitution Article II, § 15 provides that the Governor “may remove for incompetency, or misconduct, all civil officers who received appointment from the Executive for a term of years.” However, this removal authority applies only to appointments made by the Governor and not by the Attorney General, as an independently elected official, nor by other individuals or entities (hereinafter “appointing authorities”) authorized by statutes to make appointments to boards, committees, commissions, task forces, or work groups (hereinafter “boards and commissions”).

While there is a common law rule that permits the removal of an officer by the official who made the appointment, that rule does not apply, however, when the law gives the appointee a fixed term of years. See., Letter from Kathryn M. Rowe, Assistant Attorney General, to Del. Jazz Lewis (Sept. 24, 2021); 20 *Opinions of the Attorney General* 372 (1935). The appointing authority can remove an officer appointed to a term of years only if the statute expressly provides this power. 21 *Opinions of the Attorney General* 197 (1936). This allows for a strange result, where an individual may be compromised in their ability to serve the State on a board or commission, yet there is nothing that can be done to address the situation,

HB 809 will solve this problem by providing the missing statutory authority. The Office of the Attorney General urges a favorable report for House Bill 809.