

Subsection (b)(2) of this section is new language added to reflect the continuing stagger created under the fifth sentence of former Article 41, § 206A(a), which specified the terms of the initial members and is deleted as obsolete.

Subsection (b)(3) of this section is standard language added to provide for gaps in membership by indicating that a member serves until a successor takes office. This provision is supported by the cases of Benson v. Mellor, 152 Md. 481 (1927) and Grooms v. LaVale Zoning Board, 27 Md. App. 266 (1975). A similar provision is added as the last clause of subsection (b)(4) of this section.

Subsection (c) of this section is new language derived without substantive change from former Article 41, § 206A(d).

As to subsection (c)(3) of this section, cf. AG § 2-403(2) and NR § 1-106(d), which refer to "{f} ailure to attend regularly scheduled meetings ...". AG § 2-403(2) is derived from former Article 41, § 436, which read "{f} ailure to attend regularly scheduled meeting". NR § 1-106 is derived from former Article 41, § 236, which read "{f} ailure to regularly attend meetings of the board." Since Article 41, § 4 of the Code provides that any "member of any State board or commission appointed by the Governor who shall fail to attend at least 50 percent of the meetings of the board or commission of which he is a member during any period of twelve consecutive months shall be considered to have resigned" and does not distinguish between "regularly scheduled" and other types of meetings, the Commission to Revise the Annotated Code concluded that all types of meetings are included. Therefore, subsection (c)(3) of this section is revised to refer to "{f} ailure regularly to attend meetings".

Defined terms: "Board" § 2-201  
 "Department" § 1-101 "Secretary" § 1-101

2-204. CHAIRMAN.

FROM AMONG THE BOARD MEMBERS FROM THE GENERAL PUBLIC,  
 THE GOVERNOR SHALL DESIGNATE A CHAIRMAN.

REVISOR'S NOTE: This section is new language derived without substantive change from the seventh sentence of former Article 41, § 206A(a).