

(1) IF THE TREASURER HAS NOT GIVEN NOTICE, BUT THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY MAKE A FORMAL, WRITTEN DETERMINATION OF A TEMPORARY INABILITY OR UNAVAILABILITY OF THE TREASURER, THE OFFICERS MAY APPOINT AN ACTING TREASURER.

(2) THE ACTING TREASURER SHALL SERVE UNDER THIS SUBSECTION:

(I) ON AND AFTER THE DATE OF THE APPOINTMENT;
AND

(II) UNTIL THE PRESIDING OFFICERS JOINTLY DETERMINE AND GIVE THE TREASURER AND THE ACTING TREASURER WRITTEN NOTICE THAT THE TREASURER IS ABLE TO CARRY OUT THE DUTIES.

(D) COURT OF APPEALS.

THE COURT OF APPEALS HAS EXCLUSIVE ORIGINAL JURISDICTION, ON PETITION OF THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY, THE TREASURER, OR THE ACTING TREASURER, TO DETERMINE ANY ISSUE THAT ARISES UNDER THIS SECTION AND TO PASS ANY APPROPRIATE ORDER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 6A(a) through (c) and the first sentence of (d).

In subsection (b)(2)(i) of this section, the words "in the notice" are added for clarity.

In subsection (b)(2)(ii) of this section, specific reference to "the presiding officers and the acting treasurer" is added for clarity. This addition is based on the second sentence of former Art. 95, § 6A(d), which required notice "be given to all parties." Similarly, in subsection (c)(2)(ii) of this section, the specific reference to the "Treasurer and the acting treasurer" is added. Therefore, the second sentence of former Art. 95, § 6A(d) is deleted as unnecessary.

5-107. VACANCY IN OFFICE.

IF THE OFFICE OF THE TREASURER BECOMES VACANT, THE CHIEF DEPUTY TREASURER IS THE DEPUTY TREASURER WHO ACTS AS TREASURER UNDER ARTICLE VI, § 1 OF THE MARYLAND CONSTITUTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 95, § 6.

The phrase "acts as Treasurer" is substituted for the former language "qualified to act as successor to the Treasurer", since the referenced Md. Constitution, Art. VI, § 1 provides that the "Deputy Treasurer shall act as Treasurer until the next ... session of the Legislature ... whereupon the Legislature shall choose a successor".