

Subsection (b)(1) of this section is new language added to state expressly what formerly was only implied in the law.

Subsection (b)(2) of this section is new language derived without substantive change from former Art. 88C, § 4(a)(3) and (4).

In subsection (a)(1)(i) and (ii) of this section, the words "ex officio" are deleted to avoid possible confusion since the members of the Commission appointed from the General Assembly are not truly ex officio members.

In subsection (b)(2)(ii) and (iii) of this section, standard language is added to provide for gaps in membership by indicating that a member serves until a successor takes office. These additions are supported by the cases of Benson v. Mellor, 152 Md. 481 (1927) and Grooms v. LaVale Zoning Board, 27 Md. App. 266 (1975).

The Commission to Revise the Annotated Code points out to the General Assembly that, in subsection (a)(3) of this section, the former words "as far as possible" are carried forward from former Art. 88C, § 4(a)(2)(ii)2. unchanged. The General Assembly may wish to consider substituting the words "to the extent practicable" to clarify that the Governor, when selecting members of the State Planning Commission, should be sensitive to practical considerations.

Defined term: "Commission" § 5-801

5-804. CHAIRMAN.

FROM AMONG THE COMMISSION MEMBERS, THE GOVERNOR SHALL APPOINT A CHAIRMAN OF THE COMMISSION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 88C, § 4(a)(7).

The words "From among the Commission members" are added, consistent with practice, for clarity.

Defined term: "Commission" § 5-801

5-805. SECRETARY TO COMMISSION.

(A) APPOINTMENT.

THE SECRETARY OF STATE PLANNING SHALL DESIGNATE A MEMBER OF THE STAFF OF THE DEPARTMENT TO SERVE AS THE SECRETARY TO THE COMMISSION.