

(E) REMOVAL.

THE GOVERNOR MAY REMOVE A GOVERNOR-APPOINTED TRUSTEE FOR INCOMPETENCE OR MISCONDUCT.

REVISOR'S NOTE: Subsections (a) through (d)(3) of this section are new language derived without substantive change from former Art. 73B, § 1-103(b)(2) through (5), (c), (e), and the second sentence of (a).

Subsection (d)(4) of this section is standard language added to avoid gaps in membership by indicating that a trustee serves until a successor takes office. This addition is supported by the cases of Benson v. Mellor, 152 Md. 481 (1927), and Grooms v. LaVale Zoning Board, 27 Md. App. 266 (1975).

Subsection (d)(5) of this section also is added as standard language. It follows from the requirement in subsection (d)(1)(ii) of this section that there be staggered terms for certain members of the Board of Trustees. An inherent aspect of staggered terms is that they must begin and end at set intervals.

Subsection (e) of this section is also added as standard language that repeats the provisions of Md. Constitution, Art. II, § 15. As the removal power of the Governor under Md. Constitution, Art. II, § 15 is limited to civil officers that the Governor appoints for a term of years, subsection (e) of this section similarly limits the Governor's removal power only to those trustees that the Governor appoints under subsection (b)(3) and (4) of this section *i.e.*, the trustee who represents the interests of participating subdivisions in the Employees' Pension System and the Employees' Retirement System and the trustees who represent the public. For other provisions on removal, *see* Md. Constitution, Art. XV, § 2, on suspension and removal of an elected official for a crime, Art. 41, § 1-203 of the Code, on removal of a member of a State board or commission for failure to attend meetings, and Art. 41, § 1-204 of the Code on removal of a member of a State board or commission for a crime.

In subsection (a)(7) of this section, the former reference to "State Investment Agency" is deleted as obsolete. *See* Ch. 698, Acts of 1988, § 1.

In subsection (b)(1)(i) and (ii) of this section, the election procedures for former Art. 73B, § 1-103(b)(2)(i) are stated separately to clarify that two trustees are elected from the two systems that comprise the employees' systems and two trustees are elected from the two systems that comprise the teachers' systems.

In subsection (b)(1)(iv) of this section, the disqualifications for reelection of a trustee are stated separately to clarify that the criteria for disqualification apply separately to a trustee who becomes a retiree of the two systems that comprise the employees' systems and to a trustee who becomes a retiree of the two systems that comprise the teachers' systems.