

THE MEMBER'S UNIT OR ASSOCIATION WHO MAY ACT AT ANY MEETING TO THE SAME EFFECT AS IF THE MEMBER WERE PERSONALLY PRESENT.

REVISOR'S NOTE: This section is new language derived without substantive change from the introductory language of former Art. 41, § 4-301(c), as it relates to the membership of the Commission, and (c)(1) and (3).

Subsection (b)(4) of this section is standard language substituted for the former obsolete reference in Art. 41, § 4-301(c)(1) to the initial terms of the three correctional officers appointed to the Commission. This substitution is not intended to alter the term of any member of the Commission. The terms of the members serving on October 1, 1999, end as follows: (1) one on June 30, 2000; (2) one on June 30, 2001; and (3) one on June 30, 2002.

Subsection (b)(5)(i) of this section and the clause "and until a successor is appointed and qualifies" in subsection (b)(5)(ii) of this section are standard language added to avoid gaps in membership by indicating that a member serves until a successor takes office. These additions are supported by the holdings in Benson v. Mellor, 152 Md. 481 (1927) and Grooms v. LaVale Zoning Board, 27 Md. App. 266 (1975).

In subsection (b)(5)(ii) of this section, the clause "[a] member who is appointed after a term has begun serves only for the remainder of the term" is added as standard language. It follows logically from the requirement that there be staggered terms. An inherent aspect of staggered terms is that they must begin and end at set intervals.

In subsection (c) of this section, the word "unit" is substituted for the former reference to "office, department, university or college, bureau or agency" for brevity. See General Revisor's Note to this article.

Defined terms: "Commission" § 8-201

"Commissioner of Correction" § 1-101

"Correctional officer" § 8-201

"Division of Parole and Probation" § 1-101

"Secretary" § 1-101

#### 8-205. OFFICERS.

##### (A) CHAIRPERSON.

THE DEPUTY SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OR THE DEPUTY SECRETARY'S REPRESENTATIVE IS THE CHAIRPERSON OF THE COMMISSION.

##### (B) VICE CHAIRPERSON.

THE COMMISSION SHALL ELECT ANNUALLY A VICE CHAIRPERSON FROM AMONG ITS MEMBERS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-301(c)(2) and the first sentence of (d)(1).