

REVISOR'S NOTE: Subsections (a), (b), and (c)(1) and (5) of this section are new language derived without substantive change from the first, second, fourth, and fifth sentences of former Article 43, § 568J.

Subsection (c)(2) of this section is new language added to reflect the continuing stagger created under the third sentence of former Article 43, § 568J, which specified the terms of the initial members and which is deleted as obsolete.

Subsection (c)(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).

Subsection (c)(4) of this section also is added as standard language. It follows from the requirement that there be staggered terms. An inherent aspect of staggered terms is that they must begin and end at set intervals. For circumstances under which subsection (c)(4) of this section applies, see the General Revisor's Note to this article.

Subsection (c)(5) of this section is revised in standard language used to state a limitation on successive terms. Thus, the word "full" is added to modify the reference to "4-year terms". This addition resolves any ambiguity that a member appointed under subsection (c)(4) of this section to serve the remainder of a vacant term might be limited to that term and then only 1 full term. Under this revision, a member who is appointed to the remainder of the term is eligible for reappointment to 2 additional full terms.

Also, the phrase "may not be reappointed for 4 years after completion of those terms" is substituted for the reference to "appointment to more than". This substitution clarifies that the limitation addresses a 4-year period and does not prohibit appointment after that period. This substitution is patterned after the limitation on successive terms for members of county advisory councils on alcoholism, in § 8-313 of this article.

Defined terms: "Commission" § 19-201
"Facility" § 19-201