

HOUSE BILL 707

P3

(8lr0140)

ENROLLED BILL

—Appropriations / Budget and Taxation—

Introduced by **Chair, Appropriations Committee (By Request - Departmental - State Police)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Department of State Police - State Aid for Police Protection Fund - Transfer**
3 **to Governor's Office of Crime Control and Prevention**

4 FOR the purpose of transferring the administration of the State Aid for Police
5 Protection Fund from the Department of State Police to the Governor's Office of
6 Crime Control and Prevention; transferring the functions of the Secretary of
7 State Police relating to the State Aid for Police Protection Fund to the Executive
8 Director of the Governor's Office of Crime Control and Prevention; defining
9 certain terms; *stating the intent of the General Assembly that the Governor's*
10 *Office of Crime Control and Prevention administer the Fund with existing*
11 *resources*; altering certain definitions; and generally relating to the transfer of
12 the State Aid for Police Protection Fund to the Governor's Office of Crime
13 Control and Prevention.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 BY repealing and reenacting, with amendments,
2 Article 41 – Governor – Executive and Administrative Departments
3 Section 4–403(a) and (b)(8), 4–405, and 4–406
4 Annotated Code of Maryland
5 (2003 Replacement Volume and 2007 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article 41 – Governor – Executive and Administrative Departments**

9 4–403.

10 (a) As used in this subtitle:

11 (1) “Subdivision” means any county of Maryland but does not include
12 Baltimore City; or where the context requires, the governing body thereof.

13 (2) “Municipality” means any incorporated city or town, except
14 Baltimore City, within Maryland; or where the context requires, the governing body
15 thereof.

16 (3) “Expenditures for police protection” shall be those for the fiscal
17 year immediately preceding the fiscal year for which the calculation of State aid is to
18 be made. Thus, State aid for the first year of this grant (1968–1969) shall be based on
19 “expenditures for police protection” in the fiscal year ending June 30, 1968; State aid
20 for the second year of this grant (1969–1970) shall be based on expenditures in the
21 fiscal year ending June 30, 1969, and so forth. “Expenditures for police protection”
22 means salaries and wages, other operating expenses, capital outlays from current
23 operating funds, and properly identifiable debt service, paid for police protection.
24 Expenditures for sheriffs and constables are included only to the extent that such
25 officers perform police protection functions. Expenditures for traffic control, park
26 police, and a share of the cost of a central alarm system proportionate to its police use,
27 are included. No part of expenditures for collecting from or servicing parking meters,
28 nor of constructing or operating jails, is included.

29 (4) “Adjusted assessed valuation of real property” means 100% of the
30 assessed valuation of the operating real property of public utilities, plus 40% of the
31 assessed valuation of all other real property for State purposes, as reported by the
32 State Department of Assessments and Taxation as of July 1 of the second fiscal year
33 preceding the fiscal year for which the calculation of State aid is to be made, plus 20%
34 of new property assessed between July 1 and December 31 of the second preceding
35 fiscal year. “Real property” means all property classified as real property under §
36 8–101(b) of the Tax – Property Article.

37 (5) “Net taxable income” shall be the taxable income of individuals
38 under Title 10 of the Tax – General Article, as certified by the Comptroller of the

1 Treasury for the third completed calendar year preceding the fiscal year for which the
2 calculation of State aid is to be made. Thus, State aid for the first year of this grant
3 shall be based on taxable income in calendar year 1965, and State aid in succeeding
4 years on taxable income in corresponding succeeding calendar years.

5 (6) Population figures for total number of people in a subdivision, i.e.
6 figures used in per capita and density determinations, shall be those estimated by the
7 State Department of Health and Mental Hygiene, as of July 1 of each year. Percentage
8 of population residing in municipalities shall be determined from time to time by the
9 most recently published federal decennial census data.

10 (7) **“EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR**
11 **OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.**

12 [(7)] (8) “Qualifying municipality” means a municipality:

13 (i) 1. Whose “expenditures for police protection”, as defined
14 above, exceed \$5,000; and

15 2. That employs at least one qualified full-time police
16 officer, as determined by the [Secretary of State Police] **EXECUTIVE DIRECTOR**; or

17 (ii) 1. Whose “expenditures for police protection”, as defined
18 above, exceed \$80,000; and

19 2. That employs at least two qualified part-time police
20 officers, as determined by the [Secretary of State Police] **EXECUTIVE DIRECTOR**,
21 from a county police department or county sheriff’s department.

22 [(8)] (9) “Wealth base” of a subdivision means the sum of the
23 “adjusted assessed valuation of real property” and “net taxable income”.

24 [(9)] (10) “Aggregate expenditures for police protection” for a
25 subdivision means the sum of “expenditures for police protection”, as defined above, of
26 that subdivision and of every qualifying municipality in that subdivision.

27 [(10)] (11) “Equivalent of X dollars per capita” means an amount of
28 money equal to the product of X times the number of people in the particular
29 subdivision.

30 (12) “Sworn officer” means:

31 (i) A law enforcement officer certified by the Police Training
32 Commission; or

1 (ii) A full-time probationary employee of a local government
2 who:

3 1. Is hired to attend a police training academy to become
4 a certified law enforcement officer; and

5 2. Is in training or is functioning as a law enforcement
6 officer pending training.

7 (b) Subject to subsection (d) of this section, for the fiscal year beginning July
8 1, 2004, and thereafter, the State shall pay to each subdivision, and to each qualifying
9 municipality, each year in the manner and subject to the limitations and requirements
10 hereinafter provided, an amount determined as follows:

11 (8) Municipal Sworn Officer Allocation. For fiscal year 2009 and each
12 fiscal year thereafter, the State shall pay to each qualifying municipality, in addition
13 to the payments made under paragraphs (1) through (7) of this subsection an amount
14 equal to \$1,950 for each sworn police officer actually employed on a full-time basis by
15 the qualifying municipality, as determined by the [Secretary of State Police]
16 **EXECUTIVE DIRECTOR**.

17 4-405.

18 (a) If the [Secretary of State Police] **EXECUTIVE DIRECTOR** finds that a
19 county is not complying with the maintenance of effort provisions of § 4-402 of this
20 subtitle, the [Secretary of State Police] **EXECUTIVE DIRECTOR** shall notify the
21 subdivision or qualifying municipality of such noncompliance.

22 (b) If a subdivision or qualifying municipality disputes the finding within 30
23 days of the issuance of such notice, the dispute shall be promptly referred to the
24 Secretary of the Department of Budget and Management, who shall make a final
25 determination.

26 (c) Upon receipt of certification of noncompliance by the [Secretary of State
27 Police] **EXECUTIVE DIRECTOR** or the Secretary of the Department of Budget and
28 Management, as the case may be, the Comptroller shall suspend, until notification of
29 compliance is received, payment of any funds due the subdivision or qualifying
30 municipality for the current fiscal year, as provided in § 4-403 of this subtitle, to the
31 extent that the State's aid due the subdivision or qualifying municipality in the
32 current fiscal year under that section exceeds the amount which the subdivision or
33 qualifying municipality received in the prior fiscal year.

34 4-406.

35 (a) The [Secretary of State Police] **EXECUTIVE DIRECTOR** shall administer
36 the State Aid for Police Protection Fund.

1 (b) The [Secretary of State Police] **EXECUTIVE DIRECTOR** shall:

2 (1) Certify to the Comptroller and to the subdivisions and qualifying
3 municipalities the amount of payments to the subdivisions and qualifying
4 municipalities; and

5 (2) Make such regulations and require such reports as are necessary
6 to certify the amounts.

7 (c) In administering the Fund, the [Secretary of State Police] **EXECUTIVE**
8 **DIRECTOR** shall:

9 (1) Make a continuing effort to establish standards of police protection
10 adequate to the various local situations; and

11 (2) Subject to § 2–1246 of the State Government Article, report
12 periodically to the General Assembly on progress in establishing and meeting those
13 standards, including the payment amounts certified under subsection (b) of this
14 section and any other relevant fiscal information.

15 (d) In determining qualification under § 4–403(a)(7) of this subtitle, the
16 minimum standards determined by the Police Training Commission under authority
17 of Title 3, Subtitle 2 of the Public Safety Article shall be applied.

18 (e) The Police Training Commission shall print and distribute to all
19 municipalities its rules and regulations setting forth the minimum standards of police
20 qualifications.

21 (f) (1) In the event a municipality fails to meet the minimum standards
22 for two successive years, the [Secretary of State Police] **EXECUTIVE DIRECTOR** shall
23 withhold payments to the municipality with respect to the second year.

24 (2) Any payment withheld for noncompliance is forfeited, and a claim
25 may not be made by the municipality for the funds.

26 SECTION 2. AND BE IT FURTHER ENACTED, That on July 1, 2008, all the
27 functions, powers, duties, assets, and liabilities of the State Aid for Police Protection
28 Fund within the Department of State Police shall be transferred to the Governor's
29 Office of Crime Control and Prevention.

30 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the
31 General Assembly that the Governor's Office of Crime Control and Prevention
32 administer the State Aid for Police Protection Fund with existing resources.

1 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect July 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.