

Chapter 106

(House Bill 999)

AN ACT concerning

Code Revision – Miscellaneous Provisions

FOR the purpose of revising, without substantive changes, certain provisions of the Annotated Code of Maryland in order to effectuate the purposes of the Code Revision process; repealing as obsolete provisions of law relating to the time allowed for clerks of court and registers of wills to complete unfinished business on retirement; revising, without substantive change, certain provisions relating to operation of certain stores by mining companies, the DNA Technology Fund, the State Aid for Police Protection Fund, open meetings of State boards and commissions, and certain State-issued licenses and sanctions for certain drug crimes; specifying that this Act may not be deemed to constitute a substantive change in the law; specifying that certain catchlines, captions, and notes are not law and may not be considered to have been enacted as part of this Act; requiring the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, to correct certain cross-references and terminology and to follow a certain procedure; and generally relating to the formal revision of the Annotated Code of Maryland.

BY repealing

Article 23 – Miscellaneous Companies

Section 235 and the subheading “Railroad Companies” and the heading “III. Particular Classes of Corporations”; and the article designation “Article 23 – Miscellaneous Companies”

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing

Article 41 – Governor – Executive and Administrative Departments

Section 1-205 and the subtitle “Subtitle 2. Units, Boards, and Commission”; 1-501 through 1-507 and the subtitle “Subtitle 5. Licensing – Controlled Dangerous Substance Offenses” and the title “Title 1. General Provisions; 4-301 and the subtitle “Subtitle 3. DNA Technology Fund”; 4-401 through 4-406 and the subtitle “Subtitle 4. State Aid for Police Protection Fund” and the title “Title 4. Law Enforcement, Public Safety, and Correctional Services”; and the article designation “Article 41 – Governor – Executive and Administrative Departments”

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY repealing

Article 36 – Fees of Officers

Section 8 and 9 and the subheading “Execution for Fees”; and the article designation “Article 36 – Fees of Officers”

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY adding to

Article – Business Regulation

Section 19–801 to be under the new subtitle “Subtitle 8. Mining Companies”

Annotated Code of Maryland

(2010 Replacement Volume and 2013 Supplement)

BY adding to

Article – Public Safety

Section 4–401 through 4–404 to be under the new subtitle “Subtitle 4. DNA Technology Fund”; and 4–501 through 4–509 to be under the new subtitle “Subtitle 5. State Aid for Police Protection Fund” and the amended title “Title 4. Law Enforcement Funds and Grant Programs”

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article – State Government

Section 8–505; and 10–1401 through 10–1407 to be under the new subtitle “Subtitle 14. Licensing – Controlled Dangerous Substance Offenses”

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the following Section(s) of the Annotated Code of Maryland be repealed:

Article 23 – Miscellaneous Companies

Section 235 and the subheading “Railroad Companies” and the heading “III. Particular Classes of Corporations”; and the article designation “Article 23 – Miscellaneous Companies”

Article 41 – Governor – Executive and Administrative Departments

Section 1–205 and the subtitle “Subtitle 2. Units, Boards, and Commission”; 1–501 through 1–507 and the subtitle “Subtitle 5. Licensing – Controlled Dangerous Substance Offenses” and the title “Title 1. General Provisions; 4–301 and the subtitle “Subtitle 3. DNA Technology Fund”; 4–401 through 4–406 and the subtitle “Subtitle 4. State Aid for Police Protection Fund” and the title “Title 4. Law Enforcement, Public Safety, and

Correctional Services”; and the article designation “Article 41 – Governor – Executive and Administrative Departments”

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

[Article 36 – Fees of Officers]

[Execution for Fees]

[8.

Each clerk and register of wills shall have six months from the time he retires from office to complete the unfinished business of his office and shall have, during that period, a right, on receipting therefor to his successor, to all needful papers, in order to enable him to complete and finish his business.]

[9.

Each clerk and register of wills on coming into office shall complete all the unfinished business which shall be in his office unfinished by his predecessor within the six months given in § 8, and such clerk or register shall be allowed the usual fees for so doing, the same to be paid by said predecessor; and the last official bond of said predecessor shall be responsible for the same in cases where said predecessor has received the fees therefor; and in cases where the fees have not been received by his said predecessor, such clerk or register completing said business shall be entitled to said fees therefor and shall collect the same from the parties owing the same in the like manner that he collects other fees for similar services.]

REVISOR’S NOTE: Former Article 36, §§ 8 and 9, which provided for the procedures for completing unfinished business to be followed when a clerk or register of wills retires from office, are repealed based on the opinion from the Office of the Attorney General that these sections have been rendered obsolete by the subsequent enactment of § 2–103 of the Courts Article, which allocates responsibility for the completion of unfinished business to the incoming clerk or register, and by other enactments that alter the manner in which clerks and registers are compensated. *See 98 Opinions of the Attorney General 98 (2013).*

Article – Business Regulation

SUBTITLE 8. MINING COMPANIES.

19–801. OPERATION OF STORES.

(A) MINING COMPANIES.

A MINING COMPANY FORMED OR ORGANIZED IN THE STATE MAY NOT OWN, OPERATE, HOLD ANY INTEREST IN, OR RECEIVE PROFITS FROM ANY STORE.

(B) EMPLOYEE COOPERATIVES.

THIS SECTION DOES NOT PROHIBIT THE EMPLOYEES OF A MINING COMPANY FROM FORMING A COOPERATIVE STORE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 23, § 235.

In subsection (a) of this section, the reference to a mining company formed or organized "in the State" is substituted for the former reference to a mining company formed or organized "under any of the provisions of this article, or which has organized under any existing laws, charter or act of the General Assembly of this State" for brevity.

Also in subsection (a) of this section, the reference to "operat[ing]" a store is substituted for the former reference to "conduct[ing] or carry[ing] on" a store for clarity and brevity.

Also in subsection (a) of this section, the former reference to receiving "any portion of the" profits from a store is deleted as surplusage.

In subsection (b) of this section, the phrase "[t]his section does not prohibit" is substituted for the former phrase "nothing herein contained shall prevent" for clarity.

Also in subsection (b) of this section, the reference to the employees of "a mining company" is substituted for the former reference to the employees of "any corporation" for clarity.

Article – Public Safety

Title 4. Law Enforcement Funds AND GRANT PROGRAMS.

SUBTITLE 4. DNA TECHNOLOGY FUND.

4-401. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 41, § 4-301(a)(1).

The only changes are in style.

(B) DNA.

“DNA” MEANS DEOXYRIBONUCLEIC ACID.

REVISOR'S NOTE: This subsection formerly was Art. 41, § 4-301(a)(2).

No changes are made.

(C) DNA TECHNOLOGY EQUIPMENT.

“DNA TECHNOLOGY EQUIPMENT” MEANS EQUIPMENT USED FOR DNA TESTING PURPOSES, INCLUDING THE PURPOSES LISTED IN § 2-505 OF THIS ARTICLE.

REVISOR'S NOTE: This subsection formerly was Art. 41, § 4-301(a)(3).

The only changes are in style.

Defined term: “DNA” § 4-401

(D) EXECUTIVE DIRECTOR.

“EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

REVISOR'S NOTE: This subsection formerly was Art. 41, § 4-301(a)(4).

No changes are made.

(E) FUND.

“FUND” MEANS THE DNA TECHNOLOGY FUND.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4-301(a)(5).

The former reference to the Fund “established under this section” is deleted as surplusage.

(F) LOCAL LAW ENFORCEMENT AGENCY.

“LOCAL LAW ENFORCEMENT AGENCY” MEANS AN AGENCY OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE THAT PERFORMS POLICE PROTECTION FUNCTIONS.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4–301(a)(6).

The former phrase “including Baltimore City” is deleted in light of § 1–107 of the General Provisions Article, which provides that the word “county” is to be construed to include Baltimore City.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that it is unclear whether sheriffs are included in the definition of “local law enforcement agency”. According to the Governor’s Office for Crime Control and Prevention, sheriff’s offices are considered to fall under the definition of “local law enforcement agency” when the office is performing police protection functions. The General Assembly may wish to clarify the extent to which sheriff’s offices are included in the definition of “local law enforcement agency”.

4–402. DNA TECHNOLOGY FUND.**(A) ESTABLISHED.**

THERE IS A DNA TECHNOLOGY FUND.

(B) PURPOSE.

THE PURPOSE OF THE FUND IS TO ASSIST THE DEPARTMENT OF STATE POLICE AND LOCAL LAW ENFORCEMENT AGENCIES IN ACQUIRING DNA TECHNOLOGY EQUIPMENT NEEDED TO TEST DNA SAMPLES.

(C) ADMINISTRATION.

THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

(D) STATUS.

(1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN CONJUNCTION WITH THE EXECUTIVE DIRECTOR.

(E) COMPOSITION.

THE FUND CONSISTS OF MONEY RECEIVED FROM ANY PRIVATE ENTITY OR FEDERAL AGENCY FOR THE PURPOSE OF COLLECTING AND TESTING DNA SAMPLES.

(F) INVESTMENTS.

THE STATE TREASURER MAY INVEST THE MONEY IN THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(G) PAYMENTS.

THE STATE TREASURER SHALL MAKE PAYMENTS OUT OF THE FUND TO THE DEPARTMENT OF STATE POLICE AND LOCAL LAW ENFORCEMENT AGENCIES IF THE EXECUTIVE DIRECTOR AUTHORIZES THE PAYMENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-301(b) and (c).

In subsection (c) of this section, the former reference to administering the Fund "in accordance with this section and other applicable law" is deleted as surplusage.

In subsection (d)(1) of this section, the reference to a "special" nonlapsing fund is substituted for the former reference to a "continuing" nonlapsing fund for accuracy.

Defined terms: "DNA" § 4-401

"DNA technology equipment" § 4-401

"Executive Director" § 4-401

"Fund" § 4-401

"Local law enforcement agency" § 4-401

4-403. GRANTS FROM FUND.

(A) APPLICATION PROCEDURES.

THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR THE DEPARTMENT OF STATE POLICE AND LOCAL LAW ENFORCEMENT AGENCIES TO USE WHEN APPLYING FOR MONEY FROM THE FUND.

(B) CONTENT OF APPLICATION.

AN APPLICANT SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH ANY INFORMATION THE EXECUTIVE DIRECTOR CONSIDERS NECESSARY TO MAKE GRANTS FOR DNA TECHNOLOGY EQUIPMENT.

(C) COMPARATIVE NEEDS OF LOCAL LAW ENFORCEMENT AGENCIES.

THE EXECUTIVE DIRECTOR SHALL MAKE GRANTS TO THE DEPARTMENT OF STATE POLICE AND LOCAL LAW ENFORCEMENT AGENCIES TO PURCHASE OR REPLACE DNA TECHNOLOGY EQUIPMENT BASED ON THE NEEDS OF THE DEPARTMENT OF STATE POLICE AND THE COMPARATIVE NEED OF EACH LOCAL LAW ENFORCEMENT AGENCY AS DETERMINED FROM THE INFORMATION PROVIDED UNDER SUBSECTION (B) OF THIS SECTION.

(D) PROOF OF EXPENDITURES.

AFTER THE DEPARTMENT OF STATE POLICE OR A LOCAL LAW ENFORCEMENT AGENCY RECEIVES NOTICE FROM THE EXECUTIVE DIRECTOR OF A GRANT AWARD, THE DEPARTMENT OF STATE POLICE OR THE LOCAL LAW ENFORCEMENT AGENCY SHALL SUBMIT PROOF OF EXPENDITURES ON DNA TECHNOLOGY EQUIPMENT TO THE EXECUTIVE DIRECTOR.

~~[NOTE TO COMMITTEE: The Committee asked staff to ask GOCPP how subsection (d) is applied. According to GOCPP, grants for the DNA Technology Fund run for a period of 1 year and grantees receive notice of the award shortly before the start date of January 1. The grantee submits quarterly reports on expenditures at which point GOCPP provides reimbursement. Given this information, staff does not recommend amending the statute since GOCPP has established a mechanism through which grantees are providing proof of expenditures.]~~

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-301(d), (e), and (f).

In subsections (a) and (b) of this section, the references to "money" from the Fund are substituted for the former references to "aid" from the Fund for clarity.

In subsection (b) of this section, the reference to "[a]n applicant" is substituted for the former reference to "[t]he Department of State Police and a local law enforcement agency applying for aid from the Fund" for brevity.

Also in subsection (b) of this section, the reference to “grants” is substituted for the former reference to “awards” for consistency with subsection (c) of this section.

Defined terms: “DNA technology equipment” § 4–401

“Executive Director” § 4–401

“Fund” § 4–401

“Local law enforcement agency” § 4–401

4–404. ANNUAL REPORT.

ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE EXECUTIVE DIRECTOR SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE DISTRIBUTION OF MONEY UNDER THIS SUBTITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 41, § 4–301(g).

The reference to “money” is substituted for the former reference to “aid” for clarity.

Defined term: “Executive Director” § 4–401

SUBTITLE 5. STATE AID FOR POLICE PROTECTION FUND.

4–501. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR’S NOTE: This subsection is new language derived without substantive change from the introductory language of former Art. 41, § 4–403(a).

The phrase “the following words have the meanings indicated” is substituted for the former phrase “[a]s used in” as standard language for a definition section.

(B) ADJUSTED ASSESSED VALUATION OF REAL PROPERTY.

“ADJUSTED ASSESSED VALUATION OF REAL PROPERTY” MEANS THE SUM OF:

(1) 100% OF THE ASSESSED VALUATION OF THE OPERATING REAL PROPERTY OF PUBLIC UTILITIES;

(2) 40% OF THE ASSESSED VALUATION OF ALL OTHER REAL PROPERTY FOR STATE PURPOSES, AS REPORTED BY THE DEPARTMENT OF ASSESSMENTS AND TAXATION AS OF JULY 1 OF THE SECOND FISCAL YEAR PRECEDING THE FISCAL YEAR FOR WHICH THE CALCULATION OF STATE AID IS TO BE MADE; AND

(3) 20% OF NEW PROPERTY ASSESSED BETWEEN JULY 1 AND DECEMBER 31 OF THE SECOND PRECEDING FISCAL YEAR.

REVISOR’S NOTE: This subsection is new language derived without substantive change from the first sentence of former Art. 41, § 4-403(a)(4).

Defined term: “Real property” § 4-501

(C) AGGREGATE EXPENDITURES FOR POLICE PROTECTION.

“AGGREGATE EXPENDITURES FOR POLICE PROTECTION” MEANS THE SUM OF EXPENDITURES FOR POLICE PROTECTION OF A COUNTY AND OF EVERY QUALIFYING MUNICIPALITY IN THE COUNTY.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4-403(a)(10).

The former reference to aggregate expenditures for police protection “for a subdivision” is deleted as surplusage.

The former phrase “, as defined above,” is deleted as surplusage.

Defined terms: “County” § 4-501

“Expenditures for police protection” § 4-501

“Qualifying municipality” § 4-501

(D) COUNTY.

“COUNTY” DOES NOT INCLUDE BALTIMORE CITY.

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4-403(a)(1).

The term “county” is substituted for the former defined term “[s]ubdivision’ means any county of Maryland” for brevity, clarity, and specificity because a subdivision could include a county and a municipality.

The former phrase “or where the context requires, the governing body thereof” is deleted as implicit in the reference to a county.

(E) EXECUTIVE DIRECTOR.

“EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

REVISOR’S NOTE: This subsection formerly was Art. 41, § 4–403(a)(7).

The only changes are in style.

(F) EXPENDITURES FOR POLICE PROTECTION.

(1) “EXPENDITURES FOR POLICE PROTECTION” MEANS EXPENSES FOR THE FISCAL YEAR IMMEDIATELY PRECEDING THE FISCAL YEAR FOR WHICH THE CALCULATION OF STATE AID UNDER THIS SUBTITLE IS TO BE MADE FOR:

(I) SALARIES, WAGES, AND OTHER OPERATING EXPENSES FOR POLICE PROTECTION;

(II) CAPITAL OUTLAYS FROM CURRENT OPERATING FUNDS FOR POLICE PROTECTION;

(III) DEBT SERVICE IDENTIFIABLE FOR POLICE PROTECTION;

(IV) OFFICERS OF A SHERIFF’S OFFICE TO THE EXTENT THAT THE OFFICERS PERFORM POLICE PROTECTION FUNCTIONS; AND

(V) TRAFFIC CONTROL, PARK POLICE, AND A SHARE OF THE COST OF A CENTRAL ALARM SYSTEM PROPORTIONATE TO ITS POLICE USE.

(2) “EXPENDITURES FOR POLICE PROTECTION” DOES NOT INCLUDE EXPENSES FOR COLLECTING FROM OR SERVICING PARKING METERS OR CONSTRUCTING OR OPERATING LOCAL CORRECTIONAL FACILITIES.

REVISOR'S NOTE: This subsection is new language derived without substantive change from the first and third through sixth sentences of former Art. 41, § 4-403(a)(3).

In the introductory language of paragraph (1) of this subsection, the reference to State aid "under this subtitle" is added for clarity.

Also in the introductory language of paragraph (1) of this subsection, the phrase "means expenses" is substituted for the former phrase "shall be those" for clarity.

In paragraph (1)(iii) of this subsection, the former reference to "properly" identifiable debt service is deleted as surplusage.

In paragraph (1)(iv) of this subsection, the reference to "officers of a sheriff's office" is substituted for the former reference to "sheriffs" for accuracy because there is only one sheriff for each county and the other officers are deputy sheriffs or officers with other ranks or titles.

Also in paragraph (1)(iv) of this subsection, the former reference to "constables" is deleted as obsolete. According to the Governor's Office of Crime Control and Protection, no counties use constables for police protection.

In paragraph (2) of this subsection, the reference to "local correctional facilities" is substituted for the former reference to "jails" to use more modern terminology.

The second sentence of former Art. 41, § 403(a)(3), which gave examples from fiscal years 1969 and 1970 on how to calculate "expenditures for police protection", is deleted as unnecessary.

(G) FUND.

"FUND" MEANS THE STATE AID FOR POLICE PROTECTION FUND.

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full name of the State Aid for Police Protection Fund.

The General Provisions Article Review committee notes, for consideration by the General Assembly, that the State Aid for Police Protection Fund is not a traditional fund since the statute creating the fund does not provide for a funding source. According to the Governor's Office for Crime Control and Prevention, general funds are used to provide grants. The committee chose to retain the term "Fund" in order to avoid an interpretation among

grantees that changes have been made to the Fund. The General Assembly may wish to further clarify the name of the program.

(H) MUNICIPALITY.

(1) "MUNICIPALITY" MEANS AN INCORPORATED CITY OR TOWN.

(2) "MUNICIPALITY" DOES NOT INCLUDE BALTIMORE CITY.

~~[NOTE TO COMMITTEE: Staff checked to see if Chevy Chase is a special taxing district. It is not.]~~

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4-403(a)(2).

In this subsection, the former phrase "or where the context requires, the governing body thereof" is deleted as implicit in the reference to a municipality.

In paragraph (1) of this subsection, the former phrase ", within Maryland" is deleted as surplusage.

(I) NET TAXABLE INCOME.

"NET TAXABLE INCOME" MEANS THE TAXABLE INCOME OF INDIVIDUALS UNDER TITLE 10 OF THE TAX – GENERAL ARTICLE, AS CERTIFIED BY THE COMPTROLLER FOR THE THIRD COMPLETED CALENDAR YEAR PRECEDING THE FISCAL YEAR FOR WHICH THE CALCULATION OF STATE AID IS TO BE MADE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from the first sentence of former Art. 41, § 4-403(a)(5).

The second sentence of former Art. 41, § 4-403(a)(5), which gave an example for how to calculate net taxable income, is deleted as unnecessary.

(J) QUALIFIED POLICE OFFICER.

"QUALIFIED POLICE OFFICER" MEANS A POLICE OFFICER THAT THE EXECUTIVE DIRECTOR DETERMINES TO BE QUALIFIED UNDER § 4-504(D) OF THIS SUBTITLE.

REVISOR'S NOTE: This subsection is new language added to avoid the lengthy reference to a police officer that the Executive Director determines to be qualified under § 4-504(d) of this subtitle.

Defined term: "Executive Director" § 4-501

(K) QUALIFYING MUNICIPALITY.

"QUALIFYING MUNICIPALITY" MEANS A MUNICIPALITY THAT:

(1) (I) HAS EXPENDITURES FOR POLICE PROTECTION THAT EXCEED \$5,000; AND

(II) EMPLOYS AT LEAST ONE FULL-TIME QUALIFIED POLICE OFFICER; OR

(2) (I) HAS EXPENDITURES FOR POLICE PROTECTION THAT EXCEED \$80,000; AND

(II) EMPLOYS AT LEAST TWO PART-TIME QUALIFIED POLICE OFFICERS FROM A COUNTY POLICE DEPARTMENT OR COUNTY SHERIFF'S DEPARTMENT.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 4-403(a)(8).

In paragraphs (1)(i) and (2)(i) of this subsection, the former phrases ", as defined above," are deleted as surplusage.

In paragraphs (1)(ii) and (2)(ii) of this subsection, the former references to qualified police officers ", as determined by the executive director" are deleted as unnecessary in light of the defined term "qualified police officer".

Defined terms: "County" § 4-501

"Expenditures for police protection" § 4-501

"Municipality" § 4-501

"Qualified police officer" § 4-501

(L) REAL PROPERTY.

"REAL PROPERTY" MEANS ALL PROPERTY CLASSIFIED AS REAL PROPERTY UNDER § 8-101(B) OF THE TAX – PROPERTY ARTICLE.

REVISOR'S NOTE: This subsection formerly was the second sentence of Art. 41, § 4-403(a)(4).

No changes are made.

(M) SWORN OFFICER.

“SWORN OFFICER” MEANS:

(1) A LAW ENFORCEMENT OFFICER CERTIFIED BY THE POLICE TRAINING COMMISSION; OR

(2) A FULL-TIME PROBATIONARY EMPLOYEE OF A LOCAL GOVERNMENT WHO:

(I) IS HIRED TO ATTEND A POLICE TRAINING ACADEMY TO BECOME A CERTIFIED LAW ENFORCEMENT OFFICER; AND

(II) IS IN TRAINING OR IS FUNCTIONING AS A LAW ENFORCEMENT OFFICER PENDING TRAINING.

REVISOR'S NOTE: This subsection formerly was Art. 41, § 4-403(a)(12).

No changes are made.

(N) WEALTH BASE.

“WEALTH BASE” MEANS THE SUM OF THE ADJUSTED ASSESSED VALUATION OF REAL PROPERTY AND NET TAXABLE INCOME.

REVISOR'S NOTE: This subsection formerly was Art. 41, § 4-403(a)(9).

The former reference to the wealth base “of a subdivision” is deleted as surplusage.

The only other changes are in style.

Defined terms: “Adjusted assessed valuation of real property” § 4-501

“Net taxable income” § 4-501

“Real property” § 4-501

GENERAL REVISOR'S NOTE TO SECTION

Former Art. 41, § 4-403(a)(11), which provided a definition for “[e]quivalent of X dollars per capita”, is deleted as unnecessary because that term is no longer used in this revised article.

4-502. LIMITS ON SPENDING REQUIREMENTS.

NOTHING IN THIS SUBTITLE MAY BE CONSTRUED AS REQUIRING A COUNTY OR QUALIFYING MUNICIPALITY TO SPEND MORE FOR POLICE PROTECTION THAN THE GREATER OF:

(1) THE ACTUAL EXPENDITURES FOR POLICE PROTECTION, NOT INCLUDING CAPITAL EXPENDITURES; OR

(2) THE SUM OF:

(I) THE AMOUNT RECEIVED IN STATE AID UNDER THIS SUBTITLE; AND

(II) LOCAL FUNDS EQUAL TO THE PERCENTAGE OF LOCAL WEALTH USED IN CALCULATING THE STATE SHARE IN BASIC EXPENDITURES UNDER § 4-506(B) OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-402(b).

In the introductory language of this section, the reference to “this subtitle” is substituted for the former reference to “herein” for clarity.

In item (1) of this section, the former reference to expenditures for police protection “, as defined in § [4-501] of this subtitle,” is deleted as surplusage.

In item (2)(i) of this section, the reference to this “subtitle” is substituted for the former reference to this “program” for clarity.

Defined terms: “County” § 4-501

“Expenditures for police protection” § 4-501

“Qualifying municipality” § 4-501

4-503. STATE AID FOR POLICE PROTECTION FUND.

(A) ESTABLISHED.

THERE IS A STATE AID FOR POLICE PROTECTION FUND.

(B) PURPOSES.

THE FUND PROVIDES A CONTINUING GRANT FROM THE GENERAL FUND OF THE STATE THAT SHALL BE USED EXCLUSIVELY TO PROVIDE ADEQUATE POLICE PROTECTION IN THE COUNTIES AND QUALIFYING MUNICIPALITIES THROUGH THE SHARING OF COSTS ON AN EQUITABLE BASIS WITHIN CERTAIN LIMITS RELATED TO POPULATION FACTORS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, §§ 4-401 and 4-402(a).

In subsection (b) of this section, the reference to the Fund "provid[ing]" a continuing grant is substituted for the former reference to the Fund "is" a continuing grant for clarity.

Also in subsection (b) of this section, the former reference to the Fund being "intended for" adequate police protection is deleted as surplusage.

Also in subsection (b) of this section, the former reference to "State and subdivision" sharing of costs is deleted as surplusage.

Also in subsection (b) of this section, the former phrase "to be used for the purpose and distributed in the manner hereinafter specified" is deleted as surplusage.

Defined terms: "County" § 4-501

"Fund" § 4-501

"Qualifying municipality" § 4-501

4-504. ADMINISTRATION OF FUND.

(A) IN GENERAL.

THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

(B) CERTIFICATION OF GRANTS.

THE EXECUTIVE DIRECTOR SHALL:

(1) CERTIFY TO THE COMPTROLLER, COUNTIES, AND QUALIFYING MUNICIPALITIES THE AMOUNT OF PAYMENTS UNDER THIS SUBTITLE TO THE COUNTIES AND QUALIFYING MUNICIPALITIES; AND

(2) ADOPT REGULATIONS AND REQUIRE REPORTS THAT ARE NECESSARY TO CERTIFY THE AMOUNTS.

(C) STANDARDS OF POLICE PROTECTION.

IN ADMINISTERING THE FUND, THE EXECUTIVE DIRECTOR SHALL:

(1) MAKE A CONTINUING EFFORT TO ESTABLISH STANDARDS OF POLICE PROTECTION ADEQUATE TO THE VARIOUS LOCAL SITUATIONS; AND

(2) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, REPORT PERIODICALLY TO THE GENERAL ASSEMBLY ON PROGRESS IN ESTABLISHING AND MEETING THOSE STANDARDS, INCLUDING THE PAYMENT AMOUNTS CERTIFIED UNDER SUBSECTION (B) OF THIS SECTION AND ANY OTHER RELEVANT FISCAL INFORMATION.

(D) DETERMINING QUALIFICATIONS FOR POLICE OFFICERS.

THE EXECUTIVE DIRECTOR SHALL APPLY THE MINIMUM STANDARDS DETERMINED BY THE POLICE TRAINING COMMISSION UNDER TITLE 3, SUBTITLE 2 OF THIS ARTICLE TO DETERMINE WHETHER POLICE OFFICERS ARE QUALIFIED.

(E) MINIMUM STANDARDS FOR POLICE OFFICERS.

THE POLICE TRAINING COMMISSION SHALL PRINT AND DISTRIBUTE TO ALL MUNICIPALITIES ITS REGULATIONS THAT SET FORTH THE MINIMUM STANDARDS FOR POLICE QUALIFICATIONS.

(F) FAILURE TO MEET MINIMUM STANDARDS.

(1) IF A MUNICIPALITY FAILS TO MEET THE MINIMUM STANDARDS FOR POLICE QUALIFICATIONS FOR 2 SUCCESSIVE YEARS, THE EXECUTIVE DIRECTOR SHALL WITHHOLD FROM THE MUNICIPALITY PAYMENTS THAT WOULD OTHERWISE BE PAYABLE THE SECOND YEAR.

(2) (I) ANY PAYMENT WITHHELD FOR NONCOMPLIANCE IS FORFEITED.

(II) A MUNICIPALITY MAY NOT MAKE A CLAIM FOR THE WITHHELD PAYMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-406.

In subsection (b)(1) of this section, the reference to payments “under this subtitle” is added for clarity.

In subsection (d) of this section, the reference to the “Executive Director” is added for clarity.

Also in subsection (d) of this section, the reference to determining “whether police officers are qualified” is substituted for the former reference to determining “qualification under § [4-501(j)] of this subtitle” for clarity.

In subsection (e) of this section, the former reference to “rules” is deleted to distinguish between regulations of executive units and rules of judicial and legislative units and to establish consistency in the use of words.

In subsection (f)(1) of this section, the reference to minimum standards “for police qualifications” is added for clarity.

Also in subsection (f)(1) of this section, the reference to payments “that would otherwise be payable” the second year is substituted for the former reference to payments “with respect to” the second year for clarity.

In subsection (f)(2) of this section, the reference to the “withheld payment” is substituted for the former reference to the “funds” for clarity and consistency with subsection (f)(1) of this section.

Defined terms: “County” § 4-501
 “Executive Director” § 4-501
 “Fund” § 4-501
 “Municipality” § 4-501
 “Qualifying municipality” § 4-501

4-505. POPULATION AND DENSITY DETERMINATIONS.

FOR POPULATION AND DENSITY DETERMINATIONS UNDER THIS SUBTITLE:

(1) POPULATION NUMBERS FOR A COUNTY SHALL BE THOSE ESTIMATED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AS OF JULY 1 OF EACH YEAR; AND

(2) THE PERCENTAGE OF POPULATION RESIDING IN MUNICIPALITIES SHALL BE DETERMINED FROM TIME TO TIME BY THE MOST RECENTLY PUBLISHED FEDERAL DECENNIAL CENSUS DATA.

~~[NOTE TO COMMITTEE: The committee asked staff to look into why GOCPP uses population figures from the federal census and not from the Department of Health and Mental Hygiene (DHMH) as the statute requires. According to GOCPP, DHMH also uses federal census data so this is why federal data is used. Given this information, staff does not recommend amending the statute.]~~

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-403(a)(6).

In the introductory language of this section, the phrase “[f]or population and density determinations under this subtitle” is added for clarity.

In item (1) of this section, the reference to population “numbers” is substituted for the former references to population “figures for total number of people” and “figures used in per capita and density determinations” for brevity.

Defined terms: “County” § 4-501
 “Municipality” § 4-501

4-506. CALCULATION OF GRANTS.

(A) IN GENERAL.

SUBJECT TO § 4-507 OF THIS SUBTITLE AND THE LIMITATIONS AND REQUIREMENTS PROVIDED IN THIS SUBTITLE, EACH FISCAL YEAR THE STATE SHALL PAY TO EACH COUNTY AND EACH QUALIFYING MUNICIPALITY, IN THE MANNER PROVIDED IN THIS SUBTITLE, AN AMOUNT DETERMINED AS PROVIDED IN THIS SECTION.

(B) SHARE IN BASIC EXPENDITURE.

(1) IF THE AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN A COUNTY EQUAL OR EXCEED \$6.00 PER PERSON, THE STATE SHALL PAY TO THE COUNTY THE AMOUNT BY WHICH \$6.00 PER PERSON EXCEEDS 0.09% OF THE WEALTH BASE OF THE COUNTY.

(2) IF THE AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN A COUNTY ARE LESS THAN \$6.00 PER PERSON, THE STATE SHALL PAY TO THE COUNTY THE AMOUNT BY WHICH AGGREGATE EXPENDITURES FOR POLICE PROTECTION EXCEED THE AMOUNT OBTAINED BY MULTIPLYING 0.09% OF THE WEALTH BASE OF THE COUNTY TIMES A FRACTION:

(I) THE NUMERATOR OF WHICH IS THE AGGREGATE EXPENDITURES FOR POLICE PROTECTION; AND

(II) THE DENOMINATOR OF WHICH IS \$6.00 PER PERSON.

(C) SHARE OVER BASIC EXPENDITURE.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IN ADDITION TO THE AMOUNT, IF ANY, PAYABLE UNDER SUBSECTION (B) OF THIS SECTION, THE STATE SHALL PAY TO EACH COUNTY 25% OF THE AMOUNT BY WHICH AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$6.00 PER PERSON.

(2) FOR A COUNTY WITH A POPULATION DENSITY OF LESS THAN 100 PER SQUARE MILE AND IN WHICH LESS THAN 30% OF THE TOTAL POPULATION RESIDES IN A MUNICIPALITY, THE STATE SHALL MAKE NO PAYMENT UNDER THIS SUBSECTION.

(3) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST 100 BUT LESS THAN 500 PER SQUARE MILE, AND FOR A COUNTY WITH A POPULATION DENSITY OF LESS THAN 100 PER SQUARE MILE AND IN WHICH AT LEAST 30% OF THE TOTAL POPULATION RESIDES IN A MUNICIPALITY, PAYMENT UNDER THIS SUBSECTION MAY NOT EXCEED \$3.50 PER PERSON.

(4) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST 500 BUT LESS THAN 900 PER SQUARE MILE, PAYMENT UNDER THIS SUBSECTION MAY NOT EXCEED \$7.50 PER PERSON.

(5) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST 900 BUT LESS THAN 1,100 PER SQUARE MILE, PAYMENT UNDER THIS SUBSECTION MAY NOT EXCEED \$8.00 PER PERSON.

(6) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST 1,100 BUT LESS THAN 1,300 PER SQUARE MILE, PAYMENT UNDER THIS SUBSECTION MAY NOT EXCEED \$9.25 PER PERSON.

(7) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST 1,300 BUT LESS THAN 8,000 PER SQUARE MILE, PAYMENT UNDER THIS SUBSECTION SHALL BE:

(I) 25% OF THE AMOUNT BY WHICH AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$6.00 PER PERSON BUT DO NOT EXCEED \$36.00 PER PERSON; AND

(II) 50% OF THE AMOUNT BY WHICH AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$36.00 PER PERSON BUT DO NOT EXCEED \$45.50 PER PERSON.

(8) FOR A COUNTY WITH A POPULATION DENSITY OF AT LEAST 8,000 PER SQUARE MILE, PAYMENT UNDER THIS SUBSECTION SHALL BE:

(I) 25% OF THE AMOUNT BY WHICH AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$6.00 PER PERSON BUT DO NOT EXCEED \$36.00 PER PERSON; AND

(II) 50% OF THE AMOUNT BY WHICH AGGREGATE EXPENDITURES FOR POLICE PROTECTION IN THE COUNTY EXCEED \$36.00 PER PERSON BUT DO NOT EXCEED \$101.50 PER PERSON.

(D) MINIMUM GRANT.

(1) THE STATE SHALL PAY TO EACH COUNTY THE AMOUNT BY WHICH \$2.50 PER PERSON EXCEEDS THE TOTAL PAYMENTS DETERMINED UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION.

(2) A COUNTY FOR WHICH THE POPULATION ESTIMATE IS LESS THAN THE POPULATION ESTIMATED FOR THE FIRST YEAR OF THE GRANT MAY NOT RECEIVE IN ANY YEAR A SMALLER AMOUNT OF STATE AID FOR POLICE PROTECTION THAN IT RECEIVED IN ANY PREVIOUS YEAR IF IT HAS NOT REDUCED THE LEVEL OF EXPENDITURES FOR POLICE PROTECTION WHICH ENTITLED IT TO THE AMOUNT OF THE PREVIOUS YEAR'S GRANT.

(E) INCENTIVE GRANT.

IN ADDITION TO THE PAYMENTS MADE UNDER SUBSECTIONS (B), (C), AND (D) OF THIS SECTION, THE STATE SHALL PAY TO EACH COUNTY WITH A POPULATION DENSITY OF LESS THAN 500 PER SQUARE MILE, \$2.00 PER PERSON.

(F) SUPPLEMENTAL GRANT.

(1) IN ADDITION TO THE PAYMENTS MADE UNDER SUBSECTIONS (B) THROUGH (E) OF THIS SECTION, THE STATE SHALL PAY:

(I) TO EACH COUNTY, \$2.50 PER PERSON, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION;

(II) TO BALTIMORE CITY, \$0.50 PER PERSON; AND

(III) TO EACH COUNTY THAT BORDERS THE DISTRICT OF COLUMBIA, IN ADDITION TO THE AMOUNT REQUIRED UNDER ITEM (I) OF THIS PARAGRAPH, \$0.50 PER PERSON LIVING IN THE COUNTY WITHIN 1 MILE OF THE BORDER BETWEEN THE STATE AND THE DISTRICT OF COLUMBIA.

(2) THE STATE SHALL ALLOCATE THE SUPPLEMENTAL GRANT ON A PER PERSON BASIS AMONG THE COUNTY AND THE QUALIFYING MUNICIPALITIES IN THAT COUNTY AND DISTRIBUTE THE RESULTING ALLOCATION TO EACH COUNTY AND QUALIFYING MUNICIPALITY.

(G) ADDITIONAL GRANT.

EACH FISCAL YEAR, THE STATE SHALL PAY TO EACH COUNTY AN ADDITIONAL GRANT EQUAL TO THE GREATER OF:

(1) 10% OF THE TOTAL OF THE PAYMENTS DETERMINED UNDER SUBSECTIONS (B) THROUGH (E) OF THIS SECTION; OR

(2) AN AMOUNT NOT TO EXCEED \$1 PER PERSON.

(H) ADDITIONAL MINIMUM PAYMENT.

THE STATE SHALL PAY EACH COUNTY THE AMOUNT BY WHICH THE GRANT PAID TO THE COUNTY IN FISCAL YEAR 1984 EXCEEDS THE TOTAL PAYMENTS DETERMINED UNDER SUBSECTIONS (B) THROUGH (G) OF THIS SECTION.

(I) MUNICIPAL SWORN OFFICER ALLOCATION.

EACH FISCAL YEAR, THE STATE SHALL PAY TO EACH QUALIFYING MUNICIPALITY, IN ADDITION TO THE PAYMENTS MADE UNDER SUBSECTIONS (B) THROUGH (H) OF THIS SECTION, \$1,950 FOR EACH SWORN OFFICER ACTUALLY EMPLOYED ON A FULL-TIME BASIS BY THE QUALIFYING MUNICIPALITY, AS DETERMINED BY THE EXECUTIVE DIRECTOR.

(J) ALLOCATION OF GRANT.

THE PAYMENT MADE TO EACH COUNTY UNDER SUBSECTIONS (B), (C), (D), (E), (G), AND (H) OF THIS SECTION SHALL BE ALLOCATED TO EACH COUNTY AND QUALIFYING MUNICIPALITY BY MULTIPLYING THE TOTAL PAYMENT BY A FRACTION:

(1) THE NUMERATOR OF WHICH EQUALS THE EXPENDITURES FOR POLICE PROTECTION OF THE COUNTY OR THE QUALIFYING MUNICIPALITY; AND

(2) THE DENOMINATOR OF WHICH EQUALS THE AGGREGATE EXPENDITURES FOR POLICE PROTECTION.

~~[NOTE TO COMMITTEE: The committee asked staff to have budget analysts at the Department of Legislative Services review this subtitle. In particular, the committee asked whether certain references in this section to “if any” and “an amount equivalent to”, regarding the calculation of various grants, could be removed. According to the DLS budget analysts, these references add no additional meaning and can be removed. This draft reflects the removal of those references.]~~

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 41, § 4–403(b) and (c).

Throughout this section, the former phrase “, if any,” is deleted as surplusage.

In subsection (a) of this section, the reference to “each fiscal year” is substituted for “the fiscal year beginning July 1, 2004, and thereafter” for brevity.

In subsection (b)(1) of this section, the reference to the wealth base “of the county” is added for clarity.

Also in subsection (b)(1) of this section, the former phrase “the equivalent of” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “the amount obtained by multiplying 0.09% of the wealth base of the county times a fraction: (i) the numerator of which is the aggregate expenditures for police protection; and (ii) the denominator of which is \$6.00 per person” is substituted for the former reference to “that proportion of 0.09 percent of the wealth base which aggregate expenditures for police protection bear to the equivalent of \$6.00 per capita” for clarity.

In subsections (c)(1) and (i) of this section, the former phrase “an amount equal to” is deleted as surplusage.

In subsection (c)(1), (7), and (8) of this section, the references to aggregate expenditures for police protection “in the county” are added for clarity.

In subsection (c)(1) of this section, the phrase “[e]xcept as otherwise provided in this subsection,” is substituted for the former phrase “[p]rovided however” for clarity.

In subsection (c)(2) of this section, the reference to “the State ... mak[ing]” no payment is substituted for the former reference to “there ... be[ing]” no payment for clarity.

In subsection (f)(1)(iii) of this section, the reference to living “in the county within 1 mile of the border between the State and the District of Columbia” is substituted for the former reference to living “in this State within 1 mile of the border” for clarity.

In the introductory language of subsection (g) and in subsection (h) of this section, the references to “the State” are added for clarity.

In the introductory language of subsection (g) of this section, the reference to “[e]ach fiscal year” is substituted for the former phrase “[f]or the fiscal year ending June 30, 1981, and for each fiscal year thereafter” for brevity.

In subsection (h) of this section, the reference to “fiscal year 1984” is substituted for the former reference to “the fiscal year ending June 30, 1984” for brevity.

In subsection (i) of this section, the reference to “[e]ach fiscal year” is substituted for the former phrase “[f]or fiscal year 2009 and each fiscal year thereafter” for brevity.

Also in subsection (i) of this section, the former reference to a sworn “police” officer is deleted in order to use the defined term provided in § 4–501 of this subtitle.

In subsection (j) of this section, the reference to allocating a payment “by multiplying the total payment by a fraction: (1) the numerator of which equals the expenditures for police protection of the county or the qualifying municipality; and (2) the denominator of which equals the aggregate expenditures for police protection” is substituted for the former reference to payment “in the exact proportion which the expenditures for police protection of the subdivision and of each qualifying municipality bear to aggregate expenditures for police protection” for clarity.

Defined terms: “Aggregate expenditures for police protection” § 4–501

“County” § 4–501

“Executive Director” § 4–501

“Expenditures for police protection” § 4–501

- “Municipality” § 4-501
- “Qualifying municipality” § 4-501
- “Sworn officer” § 4-501
- “Wealth base” § 4-501

4-507. REDUCTION FOR CRIME AND WEALTH ASSESSMENTS.

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CRIME ASSESSMENT” MEANS AN AMOUNT OBTAINED FOR EACH COUNTY OR BALTIMORE CITY BY MULTIPLYING THE PERCENT OF TOTAL PART I CRIMES IN THE STATE THAT WERE COMMITTED IN THE COUNTY OR BALTIMORE CITY BY 10% OF THE COSTS FOR THE CRIME LABORATORY OF THE STATE POLICE AS PROVIDED IN THE STATE BUDGET FOR THE FISCAL YEAR OF THE ASSESSMENT.

(3) “PART I CRIMES” MEANS THE CRIMES REPORTED BY THE STATE POLICE AS PART I CRIMES IN THE ANNUAL UNIFORM CRIME REPORT FOR THE SECOND COMPLETED CALENDAR YEAR PRECEDING THE FISCAL YEAR OF THE CRIME ASSESSMENT.

(4) “WEALTH ASSESSMENT” MEANS AN AMOUNT OBTAINED FOR EACH COUNTY OR BALTIMORE CITY BY MULTIPLYING THE PERCENT OF THE TOTAL WEALTH BASE OF THE STATE THAT IS ATTRIBUTABLE TO THE WEALTH BASE OF THE COUNTY OR BALTIMORE CITY BY 20% OF THE COSTS FOR THE CRIME LABORATORY OF THE STATE POLICE AS PROVIDED IN THE STATE BUDGET FOR THE FISCAL YEAR OF THE ASSESSMENT.

(B) CALCULATION OF REDUCTION.

FOR EACH FISCAL YEAR, THE AMOUNT DETERMINED UNDER § 4-506 OF THIS SUBTITLE FOR EACH COUNTY OR BALTIMORE CITY SHALL BE REDUCED BY THE SUM OF THE CRIME ASSESSMENT AND THE WEALTH ASSESSMENT FOR THE COUNTY OR BALTIMORE CITY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-403(d).

In subsection (b) of this section, the phrase “[f]or each fiscal year” is substituted for the former phrase “[f]or the fiscal year beginning July 1, 2004, and for each fiscal year thereafter” for brevity.

Defined terms: "County" § 4-501
 "Wealth base" § 4-501

4-508. PAYMENTS FROM FUND.

THE STATE TREASURER SHALL MAKE THE PAYMENTS REQUIRED UNDER THIS SUBTITLE TO EACH COUNTY AND QUALIFYING MUNICIPALITY:

- (1) ON WARRANTS OF THE COMPTROLLER;**
- (2) AT THE END OF EACH QUARTER OF EACH FISCAL YEAR; AND**
- (3) IN APPROXIMATELY EQUAL AMOUNTS FOR EACH QUARTER TO THE APPROPRIATE COUNTY OR QUALIFYING MUNICIPALITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-404.

In the introductory language of this section, the reference to payments "required under this subtitle" is substituted for the former reference to payments "out of the State Aid for Police Protection Fund" to reflect that the payments are made from the General Fund of the State in the manner required under this subtitle.

In item (2) of this section, the former reference to each fiscal year "thereafter" is deleted as surplusage.

Defined terms: "County" § 4-501
 "Qualifying municipality" § 4-501

4-509. NONCOMPLIANCE.

(A) NOTICE.

IF THE EXECUTIVE DIRECTOR FINDS THAT A COUNTY IS NOT COMPLYING WITH § 4-502 OF THIS SUBTITLE, THE EXECUTIVE DIRECTOR SHALL NOTIFY THE COUNTY OR QUALIFYING MUNICIPALITY OF THE NONCOMPLIANCE.

(B) REFERRAL OF DISPUTE.

IF A COUNTY OR QUALIFYING MUNICIPALITY DISPUTES THE FINDING IN THE NOTICE ISSUED UNDER SUBSECTION (A) OF THIS SECTION WITHIN 30 DAYS OF THE ISSUANCE OF THE NOTICE, THE DISPUTE SHALL BE PROMPTLY

REFERRED TO THE SECRETARY OF BUDGET AND MANAGEMENT, WHO SHALL MAKE A FINAL DETERMINATION.

(C) SUSPENSION OF PAYMENT.

ON RECEIPT OF CERTIFICATION OF NONCOMPLIANCE BY THE EXECUTIVE DIRECTOR OR THE SECRETARY OF BUDGET AND MANAGEMENT, THE COMPTROLLER SHALL SUSPEND, UNTIL NOTIFICATION OF COMPLIANCE IS RECEIVED, PAYMENT OF ANY FUNDS DUE THE COUNTY OR QUALIFYING MUNICIPALITY FOR THE CURRENT FISCAL YEAR, UNDER § 4-506 OF THIS SUBTITLE, TO THE EXTENT THAT THE STATE'S AID DUE THE COUNTY OR QUALIFYING MUNICIPALITY IN THE CURRENT FISCAL YEAR UNDER § 4-506 OF THIS SUBTITLE EXCEEDS THE AMOUNT THAT THE COUNTY OR QUALIFYING MUNICIPALITY RECEIVED IN THE PRIOR FISCAL YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-405.

In subsection (a) of this section, the former reference to "the maintenance of effort provisions of" § 4-502 of this subtitle is deleted as unnecessary in light of the cross-reference to § 4-502.

In subsection (b) of this section, the reference to the finding "in the notice issued under subsection (a) of this section" is added for clarity.

In subsection (c) of this section, the former phrase ", as the case may be," is deleted as surplusage.

Defined terms: "County" § 4-501

"Executive Director" § 4-501

"Qualifying municipality" § 4-501

Article – State Government

8-505. OPEN MEETINGS OF STATE BOARDS AND COMMISSIONS.

NO BOARD OR COMMISSION IN CONTROL OF A UNIT IN THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT MAY FINALLY ADOPT A RESOLUTION OR REGULATION AT A MEETING NOT OPEN TO THE PUBLIC.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 1-205.

The reference to not adopting a resolution or regulation "at a meeting not open to the public" is substituted for the former references to "[a]ll

meetings, regular and special, ... shall be public meetings and open to the public at all times” and “[n]othing contained herein shall be construed to prevent any such board or commission from holding an executive session from which the public is excluded” in light of an opinion of the Attorney General, 94 Op. Atty. Gen. Md. 161 (2009), which stated that the provisions of Art. 41, § 1–205 are largely duplicative of the Open Meetings Act, except that certain resolutions that fall within the definition of an administrative function would not be covered under the Open Meetings Act but would be included under Art. 41, § 1–205.

The reference to “a unit” is substituted for the former reference to “any department, bureau or other agency”. The term “unit” is used as the general term for an entity in the State government because it is inclusive enough to include all those entities.

The reference to the “Executive Branch of the State government” is substituted for the former obsolete reference to the “Executive Department in the government of Maryland”.

The former reference to a adopting an “ordinance” is deleted as unnecessary because boards and commissions do not have authority to adopt ordinances.

The former reference to a “rule” is deleted as included in the reference to a “regulation”. *See* General Revisor’s Note to article.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that the application of this section is unclear. Although there may be departments that control various boards, the committee is not aware of a board or commission that is in control of any department, bureau, or other agency of the Executive Branch. In addition, it is unclear whether independent State agencies overseen in some respect by a board that were created after this section was enacted would be subject to this section. The committee strongly recommends that the General Assembly either repeal or clarify this section.

For provisions governing open meetings, *see* Title 3 of the General Provisions Article.

SUBTITLE 14. LICENSING — CONTROLLED DANGEROUS SUBSTANCE OFFENSES.

10–1401. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection formerly was Art. 41, § 1-501(a).

No changes are made.

(B) DRUG CRIME.

“DRUG CRIME” MEANS:

- (1) A VIOLATION OF TITLE 5 OF THE CRIMINAL LAW ARTICLE;**
- (2) A VIOLATION OF TITLE 12 OF THE CRIMINAL PROCEDURE ARTICLE; OR**
- (3) A VIOLATION OF THE LAW OF ANY OTHER JURISDICTION IF THE PROHIBITED CONDUCT WOULD BE A VIOLATION OF TITLE 5 OF THE CRIMINAL LAW ARTICLE OR TITLE 12 OF THE CRIMINAL PROCEDURE ARTICLE IF COMMITTED IN THE STATE.**

REVISOR'S NOTE: This subsection formerly was Art. 41, § 1-501(b).

The only changes are in style.

(C) LICENSE.

- (1) “LICENSE” MEANS A LICENSE, PERMIT, CERTIFICATION, REGISTRATION, OR OTHER LEGAL AUTHORIZATION:**
 - (I) ISSUED OR GRANTED TO AN INDIVIDUAL BY A LICENSING AUTHORITY; AND**
 - (II) REQUIRED FOR ENGAGING IN EMPLOYMENT, AN OCCUPATION, OR A PROFESSION.**
- (2) “LICENSE” INCLUDES A COMMERCIAL DRIVER'S LICENSE ISSUED UNDER TITLE 16, SUBTITLE 8 OF THE TRANSPORTATION ARTICLE.**
- (3) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, “LICENSE” DOES NOT INCLUDE:**

(I) A LICENSE TO DRIVE A MOTOR VEHICLE ISSUED BY THE MOTOR VEHICLE ADMINISTRATION UNDER TITLE 16 OF THE TRANSPORTATION ARTICLE; OR

(II) THE REGISTRATION OF AN AGENT, ISSUER AGENT, OR INVESTMENT ADVISOR REPRESENTATIVE UNDER THE MARYLAND SECURITIES ACT AND REGULATIONS ADOPTED UNDER THAT ACT.

REVISOR'S NOTE: This subsection formerly was Art. 41, § 1-501(c).

In paragraph (3)(ii) of this subsection, the former parenthetical reference to "(Title 11 of the Corporations and Associations Article)" is deleted as surplusage.

The only other changes are in style.

Defined term: "Licensing authority" § 10-1401

(D) LICENSEE.

"LICENSEE" MEANS A HOLDER OF A LICENSE ISSUED BY A LICENSING AUTHORITY.

REVISOR'S NOTE: This subsection formerly was Art. 41, § 1-501(d).

No changes are made.

Defined terms: "License" § 10-1401
"Licensing authority" § 10-1401

(E) LICENSING AUTHORITY.

"LICENSING AUTHORITY" MEANS AN AGENCY OF THE STATE THAT ISSUES A LICENSE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, § 1-501(e)(1).

Former Art. 41, § 1-501(e)(2), which defined "licensing authority" to include the Motor Vehicle Association for purposes of issuing a commercial driver's license, is deleted as unnecessary in light of the definition of "license", which includes a commercial driver's license issued under Title 16, Subtitle 8 of the Transportation Article.

Defined term: "License" § 10-1401

10-1402. DISCLOSURE OF CONVICTIONS.**(A) REQUIRED.**

EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AS A CONDITION ON THE ISSUANCE OR RENEWAL OF A LICENSE, A LICENSING AUTHORITY MAY REQUIRE AN INDIVIDUAL APPLYING FOR A LICENSE TO DISCLOSE WHETHER THE INDIVIDUAL HAS BEEN CONVICTED OF A DRUG CRIME COMMITTED ON OR AFTER JANUARY 1, 1991.

(B) ISSUANCE OF LICENSES.

SUBJECT TO § 10-1405 OF THIS SUBTITLE, IF AN INDIVIDUAL APPLYING FOR A LICENSE HAS BEEN CONVICTED OF A DRUG CRIME COMMITTED ON OR AFTER JANUARY 1, 1991, A LICENSING AUTHORITY MAY:

(1) REFUSE TO ISSUE A LICENSE TO THE INDIVIDUAL; OR

(2) ISSUE A LICENSE TO THE INDIVIDUAL SUBJECT TO ANY TERMS AND CONDITIONS THAT THE LICENSING AUTHORITY CONSIDERS APPROPRIATE UNDER § 10-1404 OF THIS SUBTITLE.

(C) FAILURE TO MAKE DISCLOSURES.

A LICENSING AUTHORITY MAY SUSPEND OR REVOKE A LICENSEE'S LICENSE IF THE LICENSEE FAILS TO DISCLOSE INFORMATION THAT THE LICENSING AUTHORITY REQUIRES UNDER SUBSECTION (A) OF THIS SECTION, UNLESS THE LICENSEE SHOWS GOOD CAUSE FOR THE FAILURE TO DISCLOSE.

(D) CONSTRUCTION OF SECTION.

IF A LICENSING AUTHORITY, ON OR BEFORE JANUARY 1, 1990, REQUIRED AN APPLICANT FOR AN INITIAL LICENSE OR A LICENSE RENEWAL TO DISCLOSE A CRIMINAL RECORD OR PRIOR OFFENSE RELATED TO A CONTROLLED DANGEROUS SUBSTANCE, THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE LICENSING AUTHORITY FROM:

(1) CONTINUING TO REQUIRE AN APPLICANT TO DISCLOSE A CRIMINAL RECORD OR PRIOR OFFENSE RELATED TO A CONTROLLED DANGEROUS SUBSTANCE, REGARDLESS OF THE DATE OF THE OFFENSE; AND

(2) TAKING ANY ACTION AUTHORIZED BY LAW, INCLUDING REFUSING TO ISSUE A LICENSE, IF THE APPLICANT:

(I) DISCLOSES A CRIMINAL RECORD OR PRIOR OFFENSE RELATED TO A CONTROLLED DANGEROUS SUBSTANCE; OR

(II) WRONGFULLY CONCEALS A CRIMINAL RECORD OR PRIOR OFFENSE RELATED TO A CONTROLLED DANGEROUS SUBSTANCE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 1-502.

In subsection (b)(2) of this section, the reference to issuing a license "to the individual" is added for clarity and conformity with subsection (b)(1) of this section.

Defined terms: "Drug crime" § 10-1401

"License" § 10-1401

"Licensee" § 10-1401

"Licensing authority" § 10-1401

10-1403. IMPOSITION OF PROBATION, SUSPENSION, REVOCATION, AND OTHER SANCTIONS.

SUBJECT TO § 10-1405 OF THIS SUBTITLE, IF A LICENSING AUTHORITY RECEIVES NOTIFICATION UNDER § 5-810 OF THE CRIMINAL LAW ARTICLE THAT A LICENSEE HAS BEEN CONVICTED OF A DRUG CRIME COMMITTED ON OR AFTER JANUARY 1, 1991, THE LICENSING AUTHORITY MAY:

(1) (I) REPRIMAND THE LICENSEE;

(II) PLACE THE LICENSEE ON PROBATION FOR A REASONABLE PERIOD OF TIME; OR

(III) SUSPEND OR REVOKE THE LICENSE;

(2) ASSESS THE LICENSEE, IN ACCORDANCE WITH APPLICABLE REGULATIONS, ALL OR PART OF THE COST OF ANY DISCIPLINARY PROCEEDING AND SANCTION; OR

(3) IMPOSE ANY OTHER SANCTION OR TAKE ANY OTHER ACTION AUTHORIZED BY LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 1-503.

Defined terms: “Drug crime” § 10–1401

“License” § 10–1401

“Licensee” § 10–1401

“Licensing authority” § 10–1401

10–1404. CONDITIONS OF PROBATION.

(A) IN GENERAL.

IF A LICENSEE IS PLACED ON PROBATION UNDER § 10–1402 OR § 10–1403 OF THIS SUBTITLE, THE LICENSING AUTHORITY MAY:

(1) REQUIRE THE LICENSEE TO SUBMIT TO PERIODIC DRUG TESTING DURING THE PERIOD OF PROBATION;

(2) REQUIRE THE LICENSEE TO PARTICIPATE IN APPROPRIATE COUNSELING OR TREATMENT; AND

(3) IMPOSE ANY OTHER REASONABLE TERM OR CONDITION OF PROBATION.

(B) VIOLATION.

IF A LICENSEE WHO IS ON PROBATION VIOLATES ANY CONDITION OF PROBATION, THE LICENSING AUTHORITY MAY:

(1) REVOKE THE PROBATION;

(2) SUSPEND OR REVOKE THE LICENSEE’S LICENSE; OR

(3) IMPOSE ADDITIONAL TERMS OF PROBATION.

REVISOR’S NOTE: This section formerly was Art. 41, § 1–504.

The only changes are in style.

The General Provisions Article Review Committee notes, for consideration by the General Assembly, that although subsection (a) of this section refers to a licensee being placed on probation under § 10–1402 of this subtitle, there is no specific reference to probation in § 10–1402. The committee chose to retain the reference to § 10–1402 due to the fact that § 10–1402(b) refers to this section, which provides for the conditions of probation that may be imposed by a licensing authority.

Defined terms: "License" § 10-1401
"Licensee" § 10-1401
"Licensing authority" § 10-1401

10-1405. PROCEDURES.

(A) IN GENERAL.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSING AUTHORITY SHALL COMPLY WITH TITLE 10, SUBTITLE 2 OF THIS ARTICLE BEFORE TAKING ANY ACTION UNDER THIS SUBTITLE:

(I) IN REGARD TO AN INITIAL LICENSE APPLICATION OR AN APPLICATION FOR A LICENSE RENEWAL; OR

(II) AGAINST A LICENSEE.

(2) THE MARYLAND RULES SHALL GOVERN IN THE CASE OF A LAWYER OR AN APPLICANT FOR ADMISSION TO THE BAR.

(B) CONSIDERATIONS IN DENIAL OF LICENSE OR IMPOSITION OF SANCTIONS GENERALLY.

IN DECIDING WHETHER TO DENY AN APPLICATION FOR A LICENSE OR WHETHER TO IMPOSE LICENSE SANCTIONS AGAINST A LICENSEE AND THE NATURE OF THE SANCTIONS, A LICENSING AUTHORITY SHALL CONSIDER:

(1) THE RELATIONSHIP BETWEEN THE DRUG CRIME AND THE LICENSE, INCLUDING:

(I) THE LICENSEE'S ABILITY TO PERFORM THE TASKS AUTHORIZED BY THE LICENSE; AND

(II) WHETHER THE PUBLIC WILL BE PROTECTED IF:

1. IN THE CASE OF AN APPLICANT, THE LICENSE IS ISSUED; OR

2. IN THE CASE OF A LICENSEE, THE LICENSE IS NOT SUSPENDED OR REVOKED;

(2) THE NATURE AND CIRCUMSTANCES OF THE DRUG CRIME;

(3) THE DATE OF THE DRUG CRIME, IF AN INDIVIDUAL IS APPLYING FOR A LICENSE OR LICENSE RENEWAL; AND

(4) ANY OTHER RELEVANT INFORMATION.

(C) ADDITIONAL CONSIDERATIONS IN IMPOSITION OF SANCTIONS.

IF A LICENSING AUTHORITY DECIDES THAT SANCTIONS AGAINST A LICENSEE MAY BE APPROPRIATE, BEFORE IMPOSING SANCTIONS THE LICENSING AUTHORITY:

(1) SHALL CONSIDER THE IMPACT ANY SANCTIONS MAY HAVE ON THIRD PERSONS; AND

(2) TO PROTECT THE RIGHTS OF INNOCENT THIRD PERSONS, MAY TAKE ANY ACTION THAT IS IN THE INTERESTS OF JUSTICE AND THAT IS NOT INCONSISTENT WITH THIS SUBTITLE.

(D) COMPLETION OF CONTRACTS BY LICENSEE.

IF A LICENSING AUTHORITY DECIDES TO SUSPEND OR REVOKE A LICENSE, THE LICENSING AUTHORITY MAY GRANT THE LICENSEE A REASONABLE TIME PERIOD TO COMPLETE ANY EXISTING CONTRACTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 1-505.

In the introductory language of subsection (b) of this section, the former reference to the "applicant's" application is deleted as surplusage.

Defined terms: "Drug crime" § 10-1401

"License" § 10-1401

"Licensee" § 10-1401

"Licensing authority" § 10-1401

10-1406. COMMERCIAL DRIVERS' LICENSES.

(A) DISQUALIFICATION OR OTHER ACTION.

IF AN INDIVIDUAL WHO IS CONVICTED OF A DRUG CRIME COMMITTED ON OR AFTER JANUARY 1, 1991, HOLDS A COMMERCIAL DRIVER'S LICENSE, THE MOTOR VEHICLE ADMINISTRATION MAY DISQUALIFY THE INDIVIDUAL FROM DRIVING A COMMERCIAL MOTOR VEHICLE OR TAKE ANY OTHER ACTION AUTHORIZED UNDER THIS SUBTITLE.

(B) ISSUANCE OF NONCOMMERCIAL DRIVER'S LICENSE.

IF THE MOTOR VEHICLE ADMINISTRATION DISQUALIFIES AN INDIVIDUAL FROM DRIVING A COMMERCIAL MOTOR VEHICLE UNDER THIS SUBTITLE, THE MOTOR VEHICLE ADMINISTRATION SHALL ISSUE A NONCOMMERCIAL DRIVER'S LICENSE TO THE INDIVIDUAL IF:

(1) THE INDIVIDUAL SURRENDERS THE COMMERCIAL DRIVER'S LICENSE; AND

(2) THE INDIVIDUAL'S DRIVING PRIVILEGE IS NOT OTHERWISE REFUSED, SUSPENDED, REVOKED, OR CANCELED IN THE STATE OR ANY OTHER STATE.

(C) CONSTRUCTION OF SECTION.

THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE MOTOR VEHICLE ADMINISTRATION TO DISQUALIFY AN INDIVIDUAL FROM DRIVING A COMMERCIAL MOTOR VEHICLE OR TAKING ANY OTHER ACTION REQUIRED OR AUTHORIZED UNDER THE MARYLAND VEHICLE LAW.

REVISOR'S NOTE: This section formerly was Art. 41, § 1-506.

In subsection (a) of this section, the former phrase "[s]ubject to the provisions of this subtitle" is deleted as surplusage.

The only other changes are in style.

For provisions relating to the authority of the Motor Vehicle Administration to disqualify an individual from driving a commercial motor vehicle, see § 16-812(e) of the Transportation Article.

Defined term: "Drug crime" § 10-1401

10-1407. REGULATIONS.

EACH LICENSING AUTHORITY MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

REVISOR'S NOTE: This section formerly was Art. 41, § 1-507.

The only changes are in style.

Defined term: "Licensing authority" § 10-1401

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intention of the General Assembly that, except as expressly provided in this Act, this Act shall be construed as a nonsubstantive revision, and may not otherwise be construed to render any substantive change in the law of the State.

SECTION 4. AND BE IT FURTHER ENACTED, That the catchlines, captions, Revisor's Notes, Special Revisor's Notes, and General Revisor's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2014 that affects provisions enacted by this Act. The publisher shall adequately describe such correction in an editor's note following the section affected.

SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 8, 2014.