

REPRESENTATIVE, FIDUCIARY, REPRESENTATIVE OF ANY KIND, PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY.

REVISOR'S NOTE: This subsection is new language added to provide an express definition of the term "person".

The term conforms to the same term defined in many recently revised articles. *See, e.g.*, IN § 1-101(dd), PUC § 1-101(t), CS § 1-101(l), CP § 1-101(l), and PS § 1-101(c). No substantive change is intended. *See, also*, § 9-101 of this article.

The definition of "person" in this subsection does not include a governmental entity or unit. The Court of Appeals of Maryland has held consistently that the word "person" in a statute does not include the State, its agencies, or subdivisions unless an intention to include these entities is made manifest by the legislature. *See, e.g., Unnamed Physicians v. Commission on Medical Discipline*, 285 Md. 1, 12-14 (1979). This rule does not apply when there is no impairment of sovereign powers and the provision that uses the term enhances a proprietary interest of the governmental unit. *See* 89 Op. Att'y Gen. 53, 58 (2004).

See, also, § 9-101 of this article.

As to the term "personal representative", *see* Art. 1, § 5.

(E) QUALIFIED DISTRESSED COUNTY.

"QUALIFIED DISTRESSED COUNTY" MEANS A COUNTY WITH:

(1) AN AVERAGE RATE OF UNEMPLOYMENT FOR THE MOST RECENT 18-MONTH PERIOD FOR WHICH DATA ARE AVAILABLE THAT EXCEEDS 150% OF THE AVERAGE RATE OF UNEMPLOYMENT FOR THE STATE DURING THAT PERIOD; OR

(2) AN AVERAGE PER CAPITA PERSONAL INCOME FOR THE MOST RECENT 24-MONTH PERIOD FOR WHICH DATA ARE AVAILABLE THAT IS EQUAL TO OR LESS THAN 67% OF THE AVERAGE PER CAPITA PERSONAL INCOME FOR THE STATE DURING THAT PERIOD.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 83A, § 5-1501(a)(8).

Defined terms: "County" § 1-101
"State" § 1-101

(F) SECRETARY.

"SECRETARY" MEANS THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT.

REVISOR'S NOTE: This subsection formerly was Art. 83A, §§ 5-401(i), 5-901(bb), 5-1001(h), and 5-1501(a)(11).

No changes are made.