

OF MANDATORY OR APPROVED STANDARDS, THE BOARD OF PUBLIC WORKS SHALL MAKE PROVISION FOR THE STATE TO PAY 50% OF THE COSTS OF THE CONSTRUCTION OR IMPROVEMENTS.

(2) THE PLANS AND COSTS FOR CONSTRUCTION OR IMPROVEMENTS UNDER THIS SECTION SHALL BE SUBJECT TO APPROVAL BY:

- (I) THE SECRETARY;
- (II) THE DIVISION OF CORRECTION;
- (III) THE DEPARTMENT OF GENERAL SERVICES; AND
- (IV) THE DEPARTMENT OF BUDGET AND MANAGEMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 705(d).

In subsection (b)(1) of this section, the word "construct" is substituted for the former reference to "build" for consistency with subsection (e) of this section.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the meaning of the second clause of Art. 27, § 705(d)(2), which is revised in the second clause of subsection (c) of this section, is unclear. This provision was originally enacted as part of Ch. 481, Acts of 1968, which authorized the governing body of one or more counties to establish and maintain a regional detention center. The legislative history of the original provision relating to the State share for funding of construction costs for regional detention centers is not available because there are no bill files from that period. Similarly, the purpose paragraph of Ch. 481, Acts of 1968 offers no guidance as to the meaning of this particular provision.

The meaning of this provision was further clouded by the enactment of Ch. 128, Acts of 1986, which revised the term "regional detention center" throughout former Art. 27, § 705 to be "local detention center" and defined "local detention center" to mean "any jail, work release, or prerelease center or any other correctional facility operated by one or more counties for the purpose of adult detention and confinement". The definition added by Ch. 128, Acts of 1986 made the provision relating to the State share for funding of construction costs in former Art. 27, § 705(d)(2) circuitous because the entire subtitle dealt with "jail construction and rehabilitation" and because jails were included in the definition of "local detention center" in former Art. 27, § 705(a)(1).

The second clause of former Art. 27, § 705(d)(2) seems to reflect a distinction between detention centers and jails that no longer exists. However, merely repealing this provision leaves unaddressed the issue of whether there is any mandatory State share for construction of or improvements to a local correctional facility. The General Assembly may wish to delete the second clause of subsection (c) of this section as