

(1) WITH THE APPROVAL OF THE SECRETARY, THE COMMISSION SHALL APPOINT A DEPUTY DIRECTOR AND ANY OTHER EMPLOYEES THAT THE COMMISSION CONSIDERS NECESSARY TO PERFORM GENERAL ADMINISTRATIVE AND TRAINING MANAGEMENT FUNCTIONS.

(2) THE DEPUTY DIRECTOR AND OTHER EMPLOYEES APPOINTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL SERVE AT THE PLEASURE OF THE COMMISSION.

(C) OTHER EMPLOYEES.

WITH THE APPROVAL OF THE SECRETARY, THE COMMISSION SHALL EMPLOY OTHER INDIVIDUALS AS NECESSARY TO CARRY OUT THIS SUBTITLE.

(D) COMPENSATION.

THE EXECUTIVE DIRECTOR, DEPUTY DIRECTOR, AND OTHER EMPLOYEES OF THE COMMISSION ARE ENTITLED TO RECEIVE COMPENSATION AS ESTABLISHED BY THE COMMISSION IN ACCORDANCE WITH THE STATE BUDGET.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-201(d)(9) and (10).

In subsections (a), (b), and (c) of this section, the mandatory language which provides that the Commission "shall" appoint an executive director, a deputy director, and other employees as necessary to perform general administrative and training management functions and "shall" employ other individuals as necessary to carry out this subtitle, is substituted for the former references to the "responsibility" and "duty" of the Commission for consistency with similar provisions in other revised articles of the Code.

The Public Safety Article Review Committee notes, for consideration by the General Assembly, that the introductory language in former Art. 41, § 4-201(d) refers to the "authority", "responsibility", and "duty" of the Commission. This language gives rise to the issue of whether former Art. 41, § 4-201(d)(9) and (10) establish powers (*i.e.*, authority) or duties (*i.e.*, responsibilities). This section has been drafted to create mandatory duties because the word "shall" (which indicates a duty) was used several times in former Art. 41, § 4-201(d)(9). If the General Assembly wishes to make these powers discretionary, the word "may" should be substituted for the word "shall".

In subsection (c) of this section, the reference to "individuals" is substituted for the former reference to "persons" because only individuals, and not the other entities included in the defined term "person", can be employed by the Commission. *See* § 1-101 of this article for the definition of "person".

Also in subsection (c) of this section, the former reference to approval by the "legislature" is deleted. Because it is unlikely that former Art. 41, § 4-201(d)(10) literally contemplated specific approval by the General Assembly of each employee of the Commission, a more reasonable reading