

“determine” the “form of” organization of the Department is deleted as surplusage in light of the reference to the power to “establish” the organization of the Department.

In subsection (b)(2) of this section, the reference to “units” is substituted for the former reference to “subordinate organizational subdivisions” for brevity and consistency with other revised articles of the Code. Similarly, in subsection (b)(3), (4), and (5) of this section, the references to a “unit” are substituted for the former references to an “organizational subdivision[s]” and a “departmental subdivision”. See General Revisor’s Note to article.

In subsection (b)(3) of this section, the former word “determine” is deleted as surplusage in light of the word “define”. Similarly, in subsection (b)(4) of this section, the former word “reclassify” is deleted as included in the word “redefine”.

In subsection (b)(5) of this section, the former reference to the power to “allocate and reallocate” employees is deleted as included in the reference to the power to “assign and reassign” employees.

Also in subsection (b)(5) of this section, the former reference to “best” serve the needs of the Department and the public is deleted as implicit.

In subsection (b)(12) and (13) of this section, the Secretary has the power to establish specified facilities “as necessary” for the efficient performance of the duties of the Department and to close them when their need “ceases to exist”. Former Art. 88B, § 15(b)(10), from which these revised provisions were derived, did not specify what entity determined when the facilities were necessary or when their need ceased to exist. Arguably, it is implicit that the entity who makes these determinations is the Secretary. Similarly, in subsection (b)(14) of this section, the Secretary has the power to make specified purchases and acquisitions “as are considered essential for the needs of the Department”, but the provision does not explicitly state the entity that considers them to be essential. See former Art. 88B, § 15(b)(11). However, in subsection (b)(5) and (7) of this section, the revision, reflecting former Art. 88B, § 15(b)(3) and (5) from which those revised provisions were derived, states explicitly that the Secretary determines when assignment and reassignment of employees and the establishment of ranks and grades is necessary. The Public Safety Article Review Committee calls this difference in similar provisions of the law to the attention of the General Assembly.

In subsection (b)(17) of this section, the former phrase “not inconsistent with law”, which modified procedures for safekeeping, copying, and destroying records of the Department, is deleted as implicit.

The Public Safety Article Review Committee notes, for consideration by the General Assembly, that the references in former Art. 88B, § 15(c) to “Article 38A, §§ 7(a) and 14(a) of the Code”, revised in subsection (c) of this section, do not make sense. The cross-referenced provisions establish the office of