

In subsection (a)(1) of this section, the word "affirmations" is deleted as unnecessary in light of the inclusiveness of "oaths". See Art. 1, § 9 of the Code.

In subsection (a)(2) of this section, the word "evidence" is substituted for "books, papers, records, documents, or other tangible objects" for brevity.

Also in subsection (a)(2) of this section, the former law appeared not to allow subpoenas to be issued for the attendance of witnesses, other than for the production of documents. The revision clarifies this provision, in keeping with the presumed legislative intent and with the consistent practice of the Ethics Commission, so that witnesses may be called without regard to production of documents.

Defined term: "Ethics Commission" § 15-102

15-208. DETERMINATION OF PUBLIC OFFICIAL IN EXECUTIVE AGENCY.

(A) DETERMINATION BY ETHICS COMMISSION.

WITH ADVICE FROM THE SECRETARY OF PERSONNEL AND IN ACCORDANCE WITH § 15-103 OF THIS TITLE, THE ETHICS COMMISSION SHALL DETERMINE WHETHER AN INDIVIDUAL IN AN EXECUTIVE UNIT IS A PUBLIC OFFICIAL FOR THE PURPOSES OF THIS TITLE.

(B) SECRETARY OF PERSONNEL TO PROVIDE ADVICE.

THE SECRETARY OF PERSONNEL SHALL PROVIDE ADVICE UNDER SUBSECTION (A) OF THIS SECTION TO THE ETHICS COMMISSION:

(1) ANNUALLY; AND

(2) AT ANY OTHER TIME ON REQUEST OF THE ETHICS COMMISSION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 40A, § 2-103(h)(1).

In subsection (b) of this section, the words "on or before October 1, 1981" from former Art. 40A, § 2-103(h)(1) are deleted as obsolete.

Defined terms: "Ethics Commission" § 15-102

"Executive unit" § 15-102

"Public official" § 15-102

15-209. EXEMPTIONS FROM TITLE.

(A) GENERALLY.

THE ETHICS COMMISSION MAY EXEMPT FROM THIS TITLE OR MAY MODIFY THE REQUIREMENTS OF THIS TITLE AS TO A BOARD, MEMBER OF A BOARD, OR A MUNICIPAL CORPORATION IF THE ETHICS COMMISSION FINDS THAT, BECAUSE OF THE NATURE OF THE BOARD OR THE SIZE OF THE MUNICIPAL CORPORATION, THE APPLICATION OF THIS TITLE TO THAT BOARD, MEMBER, OR MUNICIPAL CORPORATION: