

WHEREAS, This placement of the State Board of Ethics in the Department of Personnel requires that clarifying changes be made in the Code of Ethics concerning the relationship between the Secretary of Personnel and the Board of Ethics; and

WHEREAS, Members of the Board of Ethics have recommended that certain other changes be made in the Code of Ethics relating to the membership of the Board of Ethics and the holding of hearings;

NOW, THEREFORE, I, MARVIN MANDEL, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME AS GOVERNOR AND BY SECTION 14A OF ARTICLE 41 OF THE ANNOTATED CODE OF MARYLAND (1957 EDITION, 1969 SUPPLEMENT) HEREBY PROMULGATE THE FOLLOWING AMENDMENT TO THE CODE OF ETHICS PROMULGATED BY EXECUTIVE ORDER DATED SEPTEMBER 4, 1969, SAID AMENDMENT TO BE EFFECTIVE OCTOBER 9, 1970.

ARTICLE IV OF THE STATE CODE OF ETHICS IS HEREBY DELETED IN ITS ENTIRETY AND THE FOLLOWING NEW ARTICLE IV IS SUBSTITUTED IN LIEU THEREOF:

#### Article IV

A Board of Ethics is hereby established within the Department of Personnel of the State Government. It shall consist of nine members. One of the members shall be the Secretary of Personnel, ex officio. The other eight members shall be appointed by the Governor from the general public and shall be persons who are not subject to this Code of Ethics. The term of each appointed member shall be four years or until a successor is appointed and takes office. Any appointed member of the Board shall be eligible for reappointment. Of the members first appointed, one member shall be appointed for one year, two members for two years, two members for three years, and two members for four years. The member appointed pursuant to the 1970 amendment to this Code shall be appointed for four years. One member shall be designated as chairman by the Governor and shall serve as such during his full term of office as a member. Five members of the Board shall constitute a quorum, regardless of vacancies, and the affirmative vote of at least five members shall be necessary for any action. Whenever the Secretary of Personnel is unable to attend a meeting of the Board, he may designate the Deputy Secretary of Personnel to attend in his place, and in such event the Deputy Secretary shall be regarded as a member of the Board for that meeting and shall be entitled to vote. Appointed members of the Board shall serve without compensation but shall be reimbursed for their actual expenses incurred in the performance of their duties. The Board, with the approval of the Secretary of Personnel and the Governor, may appoint a paid Executive Secretary at such salary as the Secretary of Personnel may determine.

The Board shall be subject to the authority of the Secretary of Personnel as set forth in Article 41, Sections 213-217, of the Annotated Code of Maryland or elsewhere in the laws of Maryland. Determinations of the Board with respect to administrative matters, including but not limited to employment and removal of personnel, procurement of supplies and equipment, and expenditures of money, shall be subject to the approval of the Secretary of Personnel as well as subject to all applicable laws of Maryland relating to such matters. The Secretary of Personnel shall be responsible for furnishing such administrative support as may be required for the performance of the Board's duties. Except in his capacity as one member of the Board, the Secretary of Personnel shall have no authority over the Board's exercise of its powers and duties as set forth below in this Article.