Also in subsection (a) of this section, the phrase "shall conduct investigations and ... visits" is substituted for the phrases "shall investigate" and "shall visit" to clarify the authority of the Secretary to delegate those functions, subject to the Secretary's oversight.

Similarly, in subsection (b) of this section, the term "or the Secretary's designee" is added for clarity.

Regarding subsection (b) of this section, the State Personnel Article Review Committee notes, for consideration by the General Assembly, that the Committee is uncertain whether the reference to "any State employee", as derived from former Art. 64A, § 27(b), is intended to cover legislative or judicial branch employees or only executive branch employees.

Defined terms: "Class" § 1–101
      "Position" § 1–101
      "Secretary" § 1–101
      "State Personnel Management System" § 1–101

2–110. OATHS AND SUBPOENAS.

(A)   IN GENERAL.

AS PART OF ANY INVESTIGATION OR HEARING UNDER THIS DIVISION I, THE SECRETARY OR THE PERSON THAT THE SECRETARY DESIGNATES TO CONDUCT THE INVESTIGATION OR HEARING MAY ADMINISTER OATHS, TAKE TESTIMONY AND OTHER EVIDENCE, AND SUBPOENA ANY PERSON OR ANY RELEVANT DOCUMENT.

(B)   ENFORCEMENT.

IF A PERSON FAILS TO COMPLY WITH A SUBPOENA OR REFUSES TO BE SWORN OR TO TESTIFY, THEN, ON COMPLAINT OF THE SECRETARY, A CIRCUIT COURT MAY ORDER THE PERSON TO COMPLY WITH THE SUBPOENA, TO BE SWORN, OR TO TESTIFY.

REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from the first clause of the fourth sentence of former Art. 64A, § 15.

Subsection (b) of this section is new language substituted for the reference in the second clause of the fourth sentence of former Art. 64A, § 15 to the subpoena powers of the Secretary as having "the same effect as is provided with respect to the Public Service Commission under Article 78". See Art. 78, § 81(b). The new language is based on BR § 1–203(b), EN § 1–404(j)(2), HG § 2–104(k)(2), and TG § 13–302(b).

Defined terms: "Person" § 1–101
      "Secretary" § 1–101