

SUBJECT TO THE AUTHORITY VESTED IN THE SECRETARY BY LAW, THE COMMISSIONER IS IN CHARGE OF THE DIVISION AND ITS UNITS.

(B) RESPONSIBILITY TO GOVERNOR AND SECRETARY.

THE COMMISSIONER IS RESPONSIBLE TO THE SECRETARY AND THE GOVERNOR FOR THE OPERATION AND CONDUCT OF THE DIVISION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 674 and, as it related to the authority of the Governor and the Secretary, the third sentence of § 673(a).

In subsection (a) of this section, the former reference to the Commissioner being in "sole" charge of the Division is deleted as inconsistent with subsection (b) of this section.

Also in subsection (a) of this section, the former reference to the Commissioner being in "active" charge of the Division is deleted as implicit in the statement that the Commissioner is "in charge of the Division".

Also in subsection (a) of this section, the reference to "units" in the Division is substituted for the former reference to the Division's "several institutions and agencies" for brevity. See General Revisor's Note to this article.

In subsection (b) of this section, the former reference to the Commissioner being responsible "solely" to the Secretary and the Governor is deleted as unnecessary because neither this section nor any other provision in this article suggests otherwise and for consistency with similar provisions in other revised articles. See, e.g., BOP §§ 2-210, 3-211, 4-209, 5-210, 6-208, 7-208, 8-208, 9-208, 11-208, 12-210, 14-211, 15-211, 16-219, and 17-214, BR §§ 4-207, 8-214, and 11-214; FL § 10-107, FI §§ 2-105, 7-104(a), and 10-105, HG §§ 8-203(a)(1) and 10-203(a), LE § 2-102(b), and SG § 7-203(c). Correspondingly, the former reference to the Commissioner being subject "only" to the Secretary and Governor is deleted.

Defined terms: "Commissioner" § 3-101

"Division" § 3-101

"Secretary" § 1-101

3-204. SAME — POWER TO SUBPOENA.

(A) IN GENERAL.

THE COMMISSIONER MAY SUBPOENA, ADMINISTER AN OATH TO, AND EXAMINE UNDER OATH ANY PERSON IF THE COMMISSIONER CONSIDERS THAT IT IS NECESSARY FOR AN EFFECTIVE ADMINISTRATION OF THE COMMISSIONER'S DUTIES.

(B) FAILURE TO APPEAR OR TESTIFY.