

Article - General Provisions

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§5–101.

- (a) In this title the following words have the meanings indicated unless:
 - (1) the context clearly requires a different meaning; or
 - (2) a different definition is adopted for a particular provision.
- (b) “Advisory body” means:
 - (1) a governmental unit designated by the Court of Appeals to give advice with respect to the application or interpretation of Subtitles 5 and 6 of this title to a State official of the Judicial Branch;
 - (2) the Joint Ethics Committee, for questions arising under Subtitle 5 of this title regarding a State official of the Legislative Branch; or
 - (3) the Ethics Commission, for all other questions.
- (c) “Bicounty commission” means:
 - (1) the Maryland–National Capital Park and Planning Commission;
 - (2) the Washington Suburban Sanitary Commission; or
 - (3) the Washington Suburban Transit Commission.
- (d) “Board” means an executive unit composed of at least two members, all of whom are appointed and serve on a part–time basis.
- (e) “Business entity” means a person engaged in business, whether profit or nonprofit, regardless of form.
- (f) “Compensation” means money or any other valuable thing, regardless of form, received or to be received by a person from an employer for services rendered.
- (g) (1) “Employee” means an individual who is employed:
 - (i) by an executive unit;
 - (ii) by the Legislative Branch; or
 - (iii) in the Judicial Branch.
- (2) “Employee” does not include:

- (i) a public official; or
- (ii) a State official.

(h) “Employer” means an entity that pays or agrees to pay compensation to another entity for services rendered.

(i) “Entity” means:

- (1) a person; or
- (2) a government or instrumentality of government.

(j) “Entity doing business with the State” means:

- (1) a regulated lobbyist;
- (2) an entity regulated by the executive unit of the applicable official or employee; or
- (3) an entity that is a party to one or a combination of sales, purchases, leases, or contracts to, from, or with the State, or any unit of the State, involving consideration:

- (i) of at least \$5,000 on a cumulative basis during the calendar year for which a statement required by Subtitle 6 of this title is filed, regardless of when the consideration is to be paid; and

- (ii) which shall include, as of the award or execution of a contract or lease, the total consideration committed to be paid under the contract or lease, to the extent ascertainable when awarded or executed, regardless of the period over which payments are to be made.

(k) “Ethics Commission” means the State Ethics Commission.

(l) “Executive action” means an act:

- (1) for which the Executive Branch of State government is responsible; and
- (2) that is taken by an official or employee of the Executive Branch.

(m) (1) “Executive unit” means a department, agency, commission, board, council, or other body of State government that:

- (i) is established by law; and
- (ii) is not in the Legislative Branch or the Judicial Branch of State government.

(2) “Executive unit” includes:

- (i) a county health department unless the officials and employees of the department are expressly designated as local officials in § 5–801 of this title;
- (ii) the office of the sheriff in each county;
- (iii) the office of the State’s Attorney in each county; and
- (iv) the Liquor Control Board for Somerset County.

(n) “Financial interest” means:

(1) ownership of an interest as the result of which the owner has received within the past 3 years, is currently receiving, or in the future is entitled to receive, more than \$1,000 per year; or

(2) (i) ownership of more than 3% of a business entity by:

- 1. an official;
- 2. an employee; or
- 3. the spouse of an official or employee; or

(ii) ownership of securities of any kind that represent, or are convertible into, ownership of more than 3% of a business entity by:

- 1. an official;
- 2. an employee; or
- 3. the spouse of an official or employee.

(o) “General Assembly” includes a member, committee, or subcommittee of the General Assembly.

(p) (1) “Gift” means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration.

(2) “Gift” does not include the solicitation, acceptance, receipt, or regulation of a political contribution that is regulated in accordance with:

- (i) the Election Law Article; or
- (ii) any other State law regulating:
 - 1. the conduct of elections; or

2. the receipt of political contributions.

(q) “Governmental unit” means a department, an agency, a commission, a board, a council, or any other body of State government that is established by law.

(r) (1) “Honorarium” means the payment of money or anything of value for:

(i) speaking to, participating in, or attending a meeting or other function; or

(ii) writing an article that has been or is intended to be published.

(2) “Honorarium” does not include payment for writing a book that has been or is intended to be published.

(s) “Immediate family” means an individual’s spouse and dependent children.

(t) (1) “Interest” means a legal or equitable economic interest that is owned or held wholly or partly, jointly or severally, or directly or indirectly, whether or not the economic interest is subject to an encumbrance or condition.

(2) “Interest” does not include:

(i) an interest held in the capacity of agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;

(ii) an interest in a time or demand deposit in a financial institution;

(iii) an interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money in a lump sum or periodically for life or a specified period;

(iv) a common trust fund or a trust that forms part of a pension or a profit-sharing plan that:

1. has more than 25 participants; and

2. is determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code or a qualified tuition plan established pursuant to Section 529 of the Internal Revenue Code; or

(v) a mutual fund that is publicly traded on a national scale unless the mutual fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual’s governmental unit.

(u) “Joint Ethics Committee” means the Joint Committee on Legislative Ethics.

(v) (1) “Legislative action” means an official action or nonaction relating to:

(i) a bill, a resolution, an amendment, a nomination, an appointment, a report, or any other matter within the jurisdiction of the General Assembly; or

(ii) a bill presented to the Governor for signature or veto.

(2) “Legislative action” includes:

(i) introduction;

(ii) sponsorship;

(iii) consideration;

(iv) debate;

(v) amendment;

(vi) passage;

(vii) defeat;

(viii) approval; and

(ix) veto.

(w) “Legislative unit” means:

(1) the General Assembly;

(2) either house of the General Assembly;

(3) a standing committee of the General Assembly, provided that the presiding officer of the House of Delegates and the presiding officer of the Senate shall be deemed an ex officio member of any standing committee of the presiding officer’s chamber; or

(4) a county or regional delegation of members of the General Assembly that is recognized by a presiding officer of the General Assembly.

(x) “Lobbying” means performing any act that requires registration under § 5–701 of this title.

(y) (1) “Local official”, subject to § 5–801 of this title, means an official, officer, or employee of a county or municipal corporation that the governing body of the county or municipal corporation determines is subject to Subtitle 8, Part II of this title.

(2) “Local official”, subject to § 5–801 of this title, includes each member and employee of a board of license commissioners that the applicable governing body

determines is subject to Subtitle 8, Part II of this title.

(z) “Member of household” means:

(1) if sharing an individual’s legal residence, the individual’s:

(i) spouse;

(ii) child;

(iii) ward;

(iv) financially dependent parent; or

(v) other financially dependent relative; or

(2) an individual’s spouse, child, ward, parent, or other relative, over whose financial affairs the individual has legal or actual control.

(aa) “Municipal corporation” means a municipality governed by Article XI–E of the Maryland Constitution.

(bb) “Official” means either a State official or a public official.

(cc) “Political contribution” means a contribution as defined in § 1–101 of the Election Law Article.

(dd) “Principal political party” means the State Democratic Party or the State Republican Party.

(ee) “Procurement contract” has the meaning stated in § 11–101 of the State Finance and Procurement Article.

(ff) “Public official” means an individual determined to be a public official under § 5–103 of this subtitle.

(gg) “Qualifying relative” means a spouse, parent, child, brother, or sister.

(hh) “Regulated lobbyist” means an entity that is required to register with the Ethics Commission under § 5–701(a) of this title.

(ii) “Respondent” means any of the following that is the subject of a complaint before the Ethics Commission:

(1) an official;

(2) an employee;

(3) a candidate for office as a State official;

- (4) an entity subject to Subtitle 7 of this title; or
- (5) an entity subject to § 5–512 of this title.

(jj) “School board” means a county board of education or, in Baltimore City, the Board of School Commissioners.

(kk) “School system” means the educational system under the authority of a school board.

(ll) “State official” means:

- (1) a constitutional officer or officer–elect in an executive unit;
- (2) a member or member–elect of the General Assembly;
- (3) a judge or judge–elect of a court under Article IV, § 1 of the Maryland Constitution;
- (4) a judicial appointee as defined in Maryland Rule 16–814;
- (5) a State’s Attorney;
- (6) a clerk of the circuit court;
- (7) a register of wills; or
- (8) a sheriff.

(mm) “Superintendent” means a county superintendent as defined in § 1–101 of the Education Article.

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