
By: Chairman, Economic and Environmental Affairs Committee (Departmental - Ethics, State Commission on)

Requested: October 25, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics Law - Public Officials - Members of Interstate Commissions**

3 FOR the purpose of including the Maryland members of interstate commissions within
4 the definition of public official in the Public Ethics Law.

5 BY repealing and reenacting, with amendments,

6 Article - State Government

7 Section 15-103

8 Annotated Code of Maryland

9 (1995 Replacement Volume)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - State Government**

13 15-103.

14 (a) The determination of whether an individual is a "public official" for the
15 purposes of this title shall be made in accordance with the provisions of this section.

16 (b) Except as provided in subsection [(f)] (G) of this section, the following
17 individuals in executive units are public officials:

18 (1) an individual who receives compensation at a rate equivalent to at least
19 State grade level 16, or who is appointed to a board, if the Ethics Commission determines
20 under § 15-208 of this title that:

21 (i) the individual, acting alone or as a member of an executive unit,
22 has decision making authority or acts as a principal advisor to one with that authority:

23 1. in making State policy in an executive unit; or

24 2. in exercising quasi-judicial, regulatory, licensing, inspecting,
25 or auditing functions; and

26 (ii) the individual's duties are not essentially administrative and
27 ministerial;

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1 (2) any other individual in an executive unit, if the Ethics Commission
2 determines that the individual, acting alone or as a member of the executive unit, has
3 decision making authority or acts as a principal advisor to one with that authority in
4 drafting specifications for, negotiating, or executing contracts that commit the State or an
5 executive unit to spend more than \$10,000 in a year;

6 (3) a member, appointee, or employee of the Maryland Stadium Authority;

7 (4) a member, appointee, or employee of the Canal Place Preservation and
8 Development Authority; and

9 (5) a member of the Emergency Medical Services Board.

10 (c) Except as provided in subsection [(f)] (G) of this section, an individual in the
11 Legislative Branch is a public official if the individual:

12 (1) receives compensation at a rate equivalent to at least State grade level
13 16; and

14 (2) is designated a public official by order of the presiding officers of the
15 General Assembly.

16 (d) (1) Except as provided in paragraph (3) of this subsection or insubsection
17 [(f)] (G) of this section, an individual in the Judicial Branch is a public official if the
18 individual receives compensation at a rate equivalent to at least Stategrade level 16.

19 (2) For the purposes of paragraph (1) of this subsection, "individual in the
20 Judicial Branch" includes an individual who is:

21 (i) employed in the office of a clerk of court;

22 (ii) paid by a county to perform services in an orphans' court or circuit
23 court;

24 (iii) employed by the Attorney Grievance Commission;

25 (iv) employed by the State Board of Law Examiners; or

26 (v) employed by the Court of Appeals Standing Committee on Rules
27 of Practice and Procedure.

28 (3) The Ethics Commission may exclude the individuals in a position in the
29 Judicial Branch from inclusion as public officials under paragraph (1) of this subsection:

30 (i) upon the recommendation of the State Court Administrator; and

31 (ii) if the Ethics Commission determines that the position does not
32 have policy, policy advice, quasi-judicial, or procurement functions.

33 (e) A member of a bicounty commission is a public official.

34 (F) THE MARYLAND APPOINTED OR DESIGNATED MEMBERS OF INTERSTATE
35 COMMISSIONS ARE PUBLIC OFFICIALS.

36 [(f)] (G) The following are not public officials:

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1 (1) a State official;

2 (2) an individual employed on a contractual basis unless the individual is:

3 (i) employed on a full-time basis for more than 6 months; and

4 (ii) designated pursuant to subsection (b)(1) or (c) of this section; and

5 (3) a part-time or full-time faculty member at a State institution of higher
6 education:

7 (i) as to subsection (b)(2) of this section, only when the individual is
8 acting in the capacity of a faculty member; and

9 (ii) as to any other provision of this section, unless the individual also:

10 1. is employed in another position that causes the individual to
11 be designated as a public official; or

12 2. directly procures, directly influences, or otherwise directly
13 affects the formation or execution of any State contract, purchase, or sale, as established
14 by regulations adopted by the Ethics Commission and approved by the Joint Committee
15 on Administrative, Executive, and Legislative Review.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 1996.