G2 5lr1652

By: **Delegate McIntosh**Introduced and read first time: February 9, 2005
Assigned to: Environmental Matters

	A BILL ENTITLED							
1	AN ACT concerning							
2	Public Ethics Law - Advisory Governmental Body of Limited Duration - Application							
4 5 6 7	FOR the purpose of establishing that a person who serves on an advisory governmental body of limited duration is not a public official subject to the public ethics law by virtue of the person's service on that body; and generally relating to the application of the public ethics law.							
8 9 .0 .1	Section 15-103 Annotated Code of Maryland							
3	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:							
5	Article - State Government							
6	15-103.							
7	(a) The determination of whether an individual is a "public official" for the purposes of this title shall be made in accordance with the provisions of this section.							
	(b) Except as provided in subsection (f) of this section AND SUBJECT TO SUBSECTION (G) OF THIS SECTION, the following individuals in executive units are public officials:							
	(1) an individual who receives compensation at a rate equivalent to at least State grade level 16, or who is appointed to a board, if the Ethics Commission determines under § 15-208 of this title that:							
	(i) the individual, acting alone or as a member of an executive unit, has decision making authority or acts as a principal advisor to one with that authority:							

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1			1.	in making State policy in an executive unit; or			
2 3	inspecting, or auditing	g functior	2. ns; and	in exercising quasi-judicial, regulatory, licensing,			
4 5	ministerial;	(ii)	the indiv	vidual's duties are not essentially administrative and			
8 9	(2) any other individual in an executive unit, if the Ethics Commission determines that the individual, acting alone or as a member of the executive unit, has decision making authority or acts as a principal advisor to one with that authority in drafting specifications for, negotiating, or executing contracts that commit the State or an executive unit to spend more than \$10,000 in a year;						
11 12	(3) Authority;	a membe	er, appoi	ntee, or employee of the Maryland Stadium			
13 14	(4) and Development Au			ntee, or employee of the Canal Place Preservation			
15	(5)	a membe	er of the	Emergency Medical Services Board.			
	6 (c) Except as provided in subsection (f) of this section AND SUBJECT TO SUBSECTION (G) OF THIS SECTION, an individual in the Legislative Branch is a public official if the individual:						
19 20	(1) level 16; and	receives	compens	sation at a rate equivalent to at least State grade			
21 22	(2) General Assembly.	is design	nated a pu	ablic official by order of the presiding officers of the			
25	3 (d) (1) Except as provided in paragraph (3) of this subsection or in 4 subsection (f) of this section, AND SUBJECT TO SUBSECTION (G) OF THIS SECTION, an 5 individual in the Judicial Branch is a public official if the individual receives 6 compensation at a rate equivalent to at least State grade level 16.						
27 28	(2) the Judicial Branch"			of paragraph (1) of this subsection, "individual in dual who is:			
29		(i)	employe	ed in the office of a clerk of court;			
30 31	circuit court;	(ii)	paid by	a county to perform services in an orphans' court or			
32		(iii)	employe	ed by the Attorney Grievance Commission;			
33		(iv)	employe	ed by the State Board of Law Examiners; or			
34 35	of Practice and Proce	(v)	employe	ed by the Court of Appeals Standing Committee on Rules			

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	the Judicial subsection:	(3) Branch fr		ics Commission may exclude the individuals in a position in sion as public officials under paragraph (1) of this				
4 5	and		(i)	upon the recommendation of the State Court Administrator;				
6 7	have policy,	policy ac	(ii) dvice, qua	if the Ethics Commission determines that the position does not asi-judicial, or procurement functions.				
8	(e)	A member of a bicounty commission is a public official.						
9	(f)	The following are not public officials:						
10		(1)	a State o	official;				
11 12	is:	(2)	an indiv	ridual employed on a contractual basis unless the individual				
13			(i)	employed on a full-time basis for more than 6 months; and				
14 15	and		(ii)	designated pursuant to subsection (b)(1) or (c) of this section;				
16 17	higher educ	(3) cation:	a part-ti	me or full-time faculty member at a State institution of				
18 19		the capac	(i) eity of a fa	as to subsection (b)(2) of this section, only when the individual aculty member; and				
20 21	also:		(ii)	as to any other provision of this section, unless the individual				
22 23	to be design	nated as a	public of	1. is employed in another position that causes the individual fficial; or				
26	2. directly procures, directly influences, or otherwise directly affects the formation or execution of any State contract, purchase, or sale, as established by regulations adopted by the Ethics Commission and approved by the Joint Committee on Administrative, Executive, and Legislative Review.							
	G (G) A PERSON WHO SERVES ON AN ADVISORY GOVERNMENTAL BODY OF LIMITED DURATION IS NOT A PUBLIC OFFICIAL BY VIRTUE OF THE PERSON'S SERVICE ON THAT BODY.							
31 32	SECTION October 1,		ID BE IT	FURTHER ENACTED, That this Act shall take effect				