
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 -**
3 **Application**

4 FOR the purpose of establishing that a person who serves on an advisory
5 governmental body of limited duration is not a public official subject to the
6 public ethics law by virtue of the person's service on that body; and generally
7 relating to the application of the public ethics law.

8 BY repealing and reenacting, with amendments,
9 Article - State Government
10 Section 15-103
11 Annotated Code of Maryland
12 (2004 Replacement Volume)

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

15 **Article - State Government**

16 15-103.

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

19 (b) Except as provided in subsection (f) of this section AND SUBJECT TO
20 SUBSECTION (G) OF THIS SECTION, the following individuals in executive units are
21 public officials:

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

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

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

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

6 (ii) if the Ethics Commission determines that the position does not
7 have policy, policy advice, quasi-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 official;

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

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

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

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

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

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

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

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

28 (G) A PERSON WHO SERVES ON AN ADVISORY GOVERNMENTAL BODY OF
29 LIMITED DURATION IS NOT A PUBLIC OFFICIAL BY VIRTUE OF THE PERSON'S
30 SERVICE ON THAT BODY.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2005.