

HOUSE BILL 1309

G2, A1

0lr3268

By: **Delegates Mathias and Conway**

Introduced and read first time: February 18, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Somerset and Worcester Counties – Liquor Control Boards – Ethics**

3 FOR the purpose of including the Liquor Control Board for Somerset County and the
4 Liquor Control Board for Worcester County in the definition of “executive unit”
5 as it relates to the Maryland Public Ethics Law to clarify that the Maryland
6 Public Ethics Law applies to both liquor control boards; specifying that the
7 members and employees of both liquor control boards are public officials for
8 certain purposes; and generally relating to the Liquor Control Board for
9 Somerset County and the Liquor Control Board for Worcester County.

10 BY repealing and reenacting, without amendments,
11 Article – State Government
12 Section 15–101(b) and 15–102(a)
13 Annotated Code of Maryland
14 (2009 Replacement Volume)

15 BY repealing and reenacting, with amendments,
16 Article – State Government
17 Section 15–102(m) and 15–103(b)
18 Annotated Code of Maryland
19 (2009 Replacement Volume)

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

22 **Article – State Government**

23 15–101.

24 (b) For the purpose of guarding against improper influence, the General
25 Assembly enacts this Maryland Public Ethics Law to require certain government

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



officials and employees to disclose their financial affairs and to set minimum ethical standards for the conduct of State and local business.

15–102.

(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.

(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 § 15–807 of this title;

(ii) the office of the sheriff in each county; [and]

(iii) the office of the State’s Attorney in each county;

(IV) THE LIQUOR CONTROL BOARD FOR SOMERSET COUNTY; AND

(V) THE LIQUOR CONTROL BOARD FOR WORCESTER COUNTY.

15–103.

(b) Except as provided in subsection (f) 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:

- 1 1. in making State policy in an executive unit; or
- 2 2. in exercising quasi-judicial, regulatory, licensing,
3 inspecting, or auditing functions; and
- 4 (ii) the individual's duties are not essentially administrative
5 and ministerial;
- 6 (2) any other individual in an executive unit, if the Ethics Commission
7 determines that the individual, acting alone or as a member of the executive unit, has
8 decision making authority or acts as a principal advisor to one with that authority in
9 drafting specifications for, negotiating, or executing contracts that commit the State or
10 an executive unit to spend more than \$10,000 in a year;
- 11 (3) a member, appointee, or employee of the Maryland Stadium
12 Authority;
- 13 (4) a member, appointee, or employee of the Canal Place Preservation
14 and Development Authority; [and]
- 15 (5) a member of the Emergency Medical Services Board;
- 16 **(6) A MEMBER OR AN EMPLOYEE OF THE LIQUOR CONTROL**
17 **BOARD FOR SOMERSET COUNTY; AND**
- 18 **(7) A MEMBER OR AN EMPLOYEE OF THE LIQUOR CONTROL**
19 **BOARD FOR WORCESTER COUNTY.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2010.