

HOUSE BILL 1386

G2, A1

7lr3240

By: **Delegates Lisanti, Barkley, ~~and C. Wilson~~ C. Wilson, Anderton, Beidle, Cassilly, Clark, Flanagan, Folden, Healey, Holmes, Jacobs, and McMillan**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation and Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2017

CHAPTER _____

1 AN ACT concerning

2 **Maryland Public Ethics Law – Members and Employees of Boards of License**
3 **Commissioners and Liquor Control Boards**

4 FOR the purpose of making State restrictions and requirements of the Maryland Public
5 Ethics Law apply to members and employees of certain boards of license
6 commissioners and liquor control boards by adding the members and employees of
7 the boards to a certain list of public officials; establishing an exception for certain
8 counties; altering ~~a~~ or repealing certain ~~definition~~ provisions to remove members and
9 employees of boards of license commissioners from the scope of certain provisions of
10 law that apply to counties and municipal corporations; and generally relating to
11 members and employees of boards of license commissioners and the Maryland Public
12 Ethics Law.

13 BY repealing and reenacting, without amendments,

14 Article – General Provisions

15 Section 5–101(a)

16 Annotated Code of Maryland

17 (2014 Volume and 2016 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – General Provisions

20 Section ~~5–101(y) and 5–103(b)~~ 5–101(m)(2) and (y), 5–103(b), 5–601(d), and 5–801

21 Annotated Code of Maryland

22 (2014 Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – General Provisions**

4 5–101.

5 (a) In this title the following words have the meanings indicated unless:

6 (1) the context clearly requires a different meaning; or

7 (2) a different definition is adopted for a particular provision.

8 (m) (2) “Executive unit” includes:

9 (i) a county health department unless the officials and employees of
10 the department are expressly designated as local officials in § 5–801 of this title;

11 (ii) the office of the sheriff in each county; AND

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

13 (iv) the Liquor Control Board for Somerset County].

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

17 [(2)] “Local official”, subject to § 5–801 of this title, includes each member
18 and employee of a board of license commissioners that the applicable governing body
19 determines is subject to Subtitle 8, Part II of this title.]

20 5–103.

21 (b) Except as provided in subsection (f) of this section, the following individuals
22 in executive units are public officials:

23 (1) an individual who receives compensation at a rate equivalent to at least
24 State grade level 16, or who is appointed to a board, if the Ethics Commission determines
25 under § 5–208 of this title that:

26 (i) the individual, acting alone or as a member of an executive unit,
27 has decision–making authority or acts as a principal advisor to an individual with
28 decision–making 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 and
5 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 an individual with
9 decision-making authority in drafting specifications for, negotiating, or executing contracts
10 that commit the State or an executive unit to spend more than \$10,000 in a year;

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

12 (4) a member, appointee, or employee of the Canal Place Preservation and
13 Development Authority; [and]

14 (5) a member of the Emergency Medical Services Board; AND

15 **(6) EXCEPT IN COUNTIES IN WHICH A COUNTY COUNCIL OR BOARD OF**
16 **COUNTY COMMISSIONERS SITS AS A BOARD OF LICENSE COMMISSIONERS OR A**
17 **LIQUOR CONTROL BOARD, A MEMBER OR EMPLOYEE OF A BOARD OF LICENSE**
18 **COMMISSIONERS OR A LIQUOR CONTROL BOARD.**

19 5-601.

20 (d) [(1) An individual who is a public official only as a member of a board and
21 who receives annual compensation that is less than 25% of the lowest annual compensation
22 at State grade level 16 shall file the statement required by subsection (a) of this section in
23 accordance with § 5-609 of this subtitle.

24 [(2) A member of the Harford County Liquor Control Board shall file the
25 statement required by subsection (a) of this section in accordance with § 5-609 of this
26 subtitle.]

27 5-801.

28 (a) In this subtitle the following words have the meanings indicated.

29 (b) “Lobbying” means performing acts, of a nature comparable to acts requiring
30 registration under Subtitle 7 of this title, before the local government involved.

31 (c) (1) In Baltimore City, “local official” includes:

1 (i) city employees and officials of the Baltimore City Health
2 Department;

3 (ii) [employees and members of the Baltimore City Board of Liquor
4 License Commissioners;

5 (iii) the Police Commissioner of Baltimore City and the civilian
6 employees and police officers of the Police Department of Baltimore City; and

7 [(iv)] (III) members and employees of the Civilian Review Board.

8 (2) In Baltimore County, “local official” includes:

9 (i) board members and the chief executive of the Baltimore County
10 Revenue Authority; and

11 (ii) for the purpose of the financial disclosure provisions enacted by
12 the governing body of Baltimore County, except for a member of the Baltimore County
13 Board of Education, members of a board of a State agency that is wholly or partly funded
14 by Baltimore County, regardless of whether a member is compensated.

15 (3) In Montgomery County, “local official” includes:

16 (i) members and employees of the Montgomery County Revenue
17 Authority;

18 (ii) commissioners and employees of the Montgomery County
19 Housing Opportunities Commission; and

20 (iii) county employees of the Montgomery County Department of
21 Health and Human Services.

22 (4) [In Prince George’s County, “local official” includes:

23 (i) members of the Board of License Commissioners;

24 (ii) inspectors of the Board of License Commissioners, including the
25 chief inspector;

26 (iii) the administrator of the Board of License Commissioners; and

27 (iv) the attorney to the Board of License Commissioners.

28 (5) In St. Mary’s County, “local official” includes commissioners and
29 employees of the St. Mary’s County Metropolitan Commission.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.