

HOUSE BILL 1386

G2, A1

7lr3240

By: **Delegates Lisanti, Barkley, and C. Wilson**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

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

11 BY repealing and reenacting, without amendments,
12 Article – General Provisions
13 Section 5–101(a)
14 Annotated Code of Maryland
15 (2014 Volume and 2016 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – General Provisions
18 Section 5–101(y) and 5–103(b)
19 Annotated Code of Maryland
20 (2014 Volume and 2016 Supplement)

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

23 **Article – General Provisions**

24 5–101.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

9 5–103.

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

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

15 (i) the individual, acting alone or as a member of an executive unit,
16 has decision–making authority or acts as a principal advisor to an individual with
17 decision–making authority:

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

19 2. in exercising quasi–judicial, regulatory, licensing,
20 inspecting, or auditing functions; and

21 (ii) the individual’s duties are not essentially administrative and
22 ministerial;

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

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

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

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

1 **(6)** A MEMBER OR EMPLOYEE OF A BOARD OF LICENSE
2 COMMISSIONERS.

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