

Chapter 519

(House Bill 1386)

AN ACT concerning

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

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

BY repealing and reenacting, without amendments,

Article – General Provisions

Section 5–101(a)

Annotated Code of Maryland

(2014 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

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

Annotated Code of Maryland

(2014 Volume and 2016 Supplement)

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

Article – General Provisions

5–101.

(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) (2) “Executive unit” includes:

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

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

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

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

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

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

5–103.

(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 § 5–208 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 an individual with decision–making authority:

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

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

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

(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 an individual with decision–making 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;

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

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

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

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

5-601.

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

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

5-801.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) members of the Board of License Commissioners;

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

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

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

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

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

Approved by the Governor, May 4, 2017.