The text below addresses the requirements of Section 128 of the Clean Air Act for all National Ambient Air Quality Standards (NAAQS).

§ 5-101. Definitions
West's Annotated Code of Maryland
General Provisions
Effective: October 1, 2014

West's Annotated Code of Maryland
General Provisions (Refs & Annos)
Title 5. Maryland Public Ethics Law (Refs & Annos)
Subtitle 1. Definitions; General Provisions (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-101
Formerly cited as MD CODE, SG, § 15-102

§ 5-101. Definitions

Currentness

In general
(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.

Business entity
(e) "Business entity" means a person engaged in business, whether profit or nonprofit, regardless of form.

Compensation
(f) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person from an employer for services rendered.

Employee
(g)(1) "Employee" means an individual who is employed:

(i) by an executive unit;

(ii) by the Legislative Branch; or

(iii) in the Judicial Branch.

(2) "Employee" does not include:

(i) a public official; or

(ii) a State official.

Entity
(i) "Entity" means:

(1) a person; or

(2) a government or instrumentality of government.

Entity doing business with the State
(j) "Entity doing business with the State" means:

(1) a regulated lobbyist;

(2) an entity regulated by the executive unit of the applicable official or employee; or

(3) an entity that is a party to one or a combination of sales, purchases, leases, or contracts to, from, or with the State, or any unit of the State, involving consideration:

(i) of at least $5,000 on a cumulative basis during the calendar year for which a statement required by Subtitle 6 of this title is filed, regardless of when the consideration is to be paid; and

(ii) which shall include, as of the award or execution of a contract or lease, the total consideration committed to be paid under the contract or lease, to the extent ascertainable when awarded or executed, regardless of the period over which payments are to be made.

Executive unit
(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 § 5-801 of this title;

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

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

(iv) the Liquor Control Board for Somerset County.

Financial interest
(n) "Financial interest" means:

(1) ownership of an interest as the result of which the owner has received within the past 3 years, is currently receiving, or in the future is entitled to receive, more than $1,000 per year; or

(2)(i) ownership of more than 3% of a business entity by:

1. an official;

2. an employee; or

3. the spouse of an official or employee; or

(ii) ownership of securities of any kind that represent, or are convertible into, ownership of more than 3% of a business entity by:

1. an official;

2. an employee; or

3. the spouse of an official or employee.

Gift

(p)(1) "Gift" means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration.

(2) "Gift" does not include the solicitation, acceptance, receipt, or regulation of a political contribution that is regulated in accordance with:

(i) the Election Law Article; or

(ii) any other State law regulating:

1. the conduct of elections; or

2. the receipt of political contributions.

Immediate family

(s) "Immediate family" means an individual's spouse and dependent children.

Interest

(t)(1) "Interest" means a legal or equitable economic interest that is owned or held wholly or partly, jointly or severally, or directly or indirectly, whether or not the economic interest is subject to an encumbrance or condition.

(2) "Interest" does not include:

(i) an interest held in the capacity of agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;

(ii) an interest in a time or demand deposit in a financial institution;

(iii) an interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money in a lump sum or periodically for life or a specified period;

(iv) a common trust fund or a trust that forms part of a pension or a profit-sharing plan that:

1. has more than 25 participants; and

2. is determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code or a qualified tuition plan established pursuant to Section 529 of the Internal Revenue Code; or

(v) a mutual fund that is publicly traded on a national scale unless the mutual fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

Official
(bb) "Official" means either a State official or a public official.

Public official
(ff) "Public official" means an individual determined to be a public official under § 5-103 of this subtitle.

Qualifying relative
(gg) "Qualifying relative" means a spouse, parent, child, brother, or sister.

State official
(ll) "State official" means:

(1) a constitutional officer or officer-elect in an executive unit;

(2) a member or member-elect of the General Assembly;

(3) a judge or judge-elect of a court under Article IV, § 1 of the Maryland Constitution;

(4) a judicial appointee as defined in Maryland Rule 16-814;

(5) a State's Attorney;

(6) a clerk of the circuit court;

(7) a register of wills; or

(8) a sheriff.

Credits
Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-101, MD GEN PROVIS § 5-101
Current through the 2015 Regular Session of the General Assembly

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§ 5-103. Designation of individuals as public officials
West's Annotated Code of Maryland
General Provisions
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West's Annotated Code of Maryland
General Provisions (Refs & Annos)
Title 5. Maryland Public Ethics Law (Refs & Annos)
Subtitle 1. Definitions; General Provisions (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-103
Formerly cited as MD CODE, SG, § 15-103

§ 5-103. Designation of individuals as public officials

Currentness

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

Public officials of executive units
(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.

Exceptions

(f) The following are not public officials:

(1) a State official;

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

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

(ii) designated as a public official under subsection (b)(1) or (c) of this section; and

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

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

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

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

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

Credits

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-103, MD GEN PROVIS § 5-103
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§ 5-208. Determination of public official in executive agency
West's Annotated Code of Maryland
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West's Annotated Code of Maryland
General Provisions (Refs & Annos)
Title 5. Maryland Public Ethics Law (Refs & Annos)
Subtitle 2. State Ethics Commission (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-208
Formerly cited as MD CODE, SG, § 15-208

§ 5-208. Determination of public official in executive agency

Currentness

Determination of Ethics Commission
(a) With advice from the Secretary of Budget and Management and in accordance with § 5-103 of this title, the Ethics Commission shall determine whether an individual in an executive unit is a public official for the purposes of this title.

Credits

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-208, MD GEN PROVIS § 5-208
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§ 5-501. Restrictions on participation
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General Provisions (Refs & Annos)
Title 5. Maryland Public Ethics Law (Refs & Annos)
Subtitle 5. Conflicts of Interest (Refs & Annos)
Part I. General Provisions (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-501
Formerly cited as MD CODE, SG, § 15-501

§ 5-501. Restrictions on participation

Currentness

In general

(a) Except as otherwise provided in subsection (c) of this section, an official or employee may not participate in a matter if:

(1) the official or employee or a qualifying relative of the official or employee has an interest in the matter and the official or employee knows of the interest; or

(2) any of the following is a party to the matter:

(i) a business entity in which the official or employee has a direct financial interest of which the official or employee reasonably may be expected to know;

(ii) a business entity, including a limited liability company or a limited liability partnership, of which any of the following is an officer, a director, a trustee, a partner, or an employee:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(iii) a business entity with which any of the following has applied for a position, is negotiating employment, or has arranged prospective employment:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(iv) if the contract reasonably could be expected to result in a conflict between the private interest and the official State duties of the official or employee, a business entity that is a party to a contract with:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(v) a business entity, either engaged in a transaction with the State or subject to regulation by the official's or employee's governmental unit, in which a direct financial interest is owned by another business entity if the official or employee:

1. has a direct financial interest in the other business entity; and

2. reasonably may be expected to know of both financial interests; or

(vi) a business entity that:

1. the official or employee knows is a creditor or an obligee of the official or employee, or of a qualifying relative of the official or employee, with respect to a thing of economic value; and

2. as a creditor or an obligee, is in a position to affect directly and substantially the interest of the official, employee, or qualifying relative.

Participation notwithstanding conflict

(c) An official or employee who otherwise would be disqualified from participation under subsection (a) of this section shall disclose the nature and circumstances of the conflict, and may participate or act, if:

(1) the disqualification would leave a body with less than a quorum capable of acting;

(2) the disqualified official or employee is required by law to act; or

(3) the disqualified official or employee is the only individual authorized to act.

Credits

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-501, MD GEN PROVIS § 5-501
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§ 5-601. Individuals required to file statement
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West's Annotated Code of Maryland
General Provisions (Refs & Annos)
Title 5. Maryland Public Ethics Law (Refs & Annos)
Subtitle 6. Financial Disclosure (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-601
Formerly cited as MD CODE, SG, § 15-601

§ 5-601. Individuals required to file statement

Currentness

Officials and candidates
(a) Except as provided in subsections (b) and (c) of this section, and subject to subsections (d) and (e) of this section, each official and candidate for office as a State official shall file a statement as specified in §§ 5-602 through 5-608 of this subtitle.

Credits
Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-601, MD GEN PROVIS § 5-601
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§ 5-602. Financial disclosure statement--Filing requirements
West's Annotated Code of Maryland
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West's Annotated Code of Maryland
General Provisions (Refs & Annos)
Title 5. Maryland Public Ethics Law (Refs & Annos)
Subtitle 6. Financial Disclosure (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-602
Formerly cited as MD CODE, SG, § 15-602

§ 5-602. Financial disclosure statement--Filing requirements

Currentness

In general

(a) Except as otherwise provided in this subtitle, a statement filed under § 5-601, § 5-603, § 5-604, or § 5-605 of this subtitle shall:

(1) be filed electronically with the Ethics Commission;

(2) be filed under oath;

(3) be filed on or before April 30 of each year;

(4) cover the calendar year immediately preceding the year of filing; and

(5) contain the information required in § 5-607 of this subtitle.

Credits
Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014. Amended by Acts 2014, c. 32, § 1, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-602, MD GEN PROVIS § 5-602
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§ 5-606. Public records
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West's Annotated Code of Maryland
General Provisions (Refs & Annos)
Title 5. Maryland Public Ethics Law (Refs & Annos)
Subtitle 6. Financial Disclosure (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-606
Formerly cited as MD CODE, SG, § 15-606

§ 5-606. Public records

Currentness

Access to statements

(a)(1) The Ethics Commission and the Joint Ethics Committee shall maintain the statements submitted under this subtitle and, during normal office hours, make the statements available to the public for examination and copying.

(2) The Ethics Commission and the Joint Ethics Committee may charge a reasonable fee and adopt administrative procedures for the examination and copying of a statement.

Credits

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-606, MD GEN PROVIS § 5-606
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§ 5-607. Content of statements
West's Annotated Code of Maryland
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West's Annotated Code of Maryland
General Provisions (Refs & Annos)
Title 5. Maryland Public Ethics Law (Refs & Annos)
Subtitle 6. Financial Disclosure (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-607
Formerly cited as MD CODE, SG, § 15-607

§ 5-607. Content of statements

Currentness

In general
(a) A statement that is required under § 5-601(a) of this subtitle shall contain schedules disclosing the information and interests specified in this section, if known, for the individual making the statement for the applicable period.

Interests in real property
(b)(1) The statement shall include a schedule of each interest in real property, wherever located, including each interest held in the name of a partnership, limited liability partnership, or limited liability company in which the individual held an interest.

(2) For each interest reported, the schedule shall include:

(i) the nature of the property;

(ii) the street address, mailing address, or legal description of the property;

(iii) the nature and extent of the interest in the property, including any conditions to and encumbrances on the interest;

(iv) the date and manner in which the interest was acquired;

(v) the identity of the entity from which the interest was acquired;

(vi) if the interest was acquired by purchase, the nature and amount of the consideration given for the interest;

(vii) if the interest was acquired in any other manner, the fair market value of the interest when acquired;

(viii) if any interest was transferred, in whole or in part, during the applicable period:

1. a description of the interest transferred;

2. the nature and amount of the consideration received for the interest; and

3. the identity of the entity to which the interest was transferred; and

(ix) the identity of any other entity with an interest in the property.

Interests in corporations and partnerships
(c)(1) The statement shall include a schedule of each interest held by the individual in a corporation, partnership, limited liability partnership, or limited liability company, whether or not the corporation, partnership, limited liability partnership, or limited liability company does business with the State.

(2) For each interest reported, the schedule shall include:

(i) the name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability company;

(ii) subject to paragraph (3) of this subsection, the nature and amount of the interest held, including any conditions to and encumbrances on the interest;

(iii) except as provided in paragraph (4) of this subsection, if any interest was acquired during the applicable period:

1. the date and manner in which the interest was acquired;

2. the identity of the entity from which the interest was acquired;

3. if the interest was acquired by purchase, the nature and amount of the consideration given for the interest; and

4. if the interest was acquired in any other manner, the fair market value of the interest when it was acquired; and

(iv) if any interest was transferred, in whole or in part, during the applicable period:

1. a description of the interest transferred;

2. the nature and amount of the consideration received for the interest; and

3. if known, the identity of the entity to which the interest was transferred.

(3)(i) As to an equity interest in a corporation, the individual may satisfy paragraph (2)(ii) of this subsection by reporting, instead of a dollar amount:

1. the number of shares held; and

2. unless the corporation's stock is publicly traded, the percentage of equity interest held.

(ii) As to an equity interest in a partnership, limited liability partnership, or limited liability company, the individual may satisfy paragraph (2)(ii) of this subsection by reporting, instead of a dollar amount, the percentage of equity interest held.

(4) If an interest acquired during the applicable reporting period consists of additions to existing publicly traded corporate interests acquired by dividend or dividend reinvestment, and the total value of the acquisition is less than $500, only the manner of acquisition is required to be disclosed under paragraph (2)(iii) of this subsection.

Interests in business entities doing business with State

(d)(1) The statement shall include a schedule of each interest in a business entity doing business with the State, other than interests reported under subsection (c) of this section.

(2) For each interest reported, the schedule shall include:

(i) the name and address of the principal office of the business entity;

(ii) the nature and amount of the interest held, including any conditions to and encumbrances on the interest;

(iii) if any interest was acquired during the applicable period:

1. the date and manner in which the interest was acquired;

2. the identity of the entity from which the interest was acquired;

3. if the interest was acquired by purchase, the nature and amount of the consideration given for the interest; and

4. if the interest was acquired in any other manner, the fair market value of the interest when it was acquired; and

(iv) if any interest was transferred, in whole or in part, during the applicable period:

1. a description of the interest transferred;

2. the nature and amount of the consideration received for the interest; and

3. the identity of the entity to which the interest was transferred.

Gifts

(e)(1) This subsection does not apply to a gift received from a member of the immediate family, another child, or a parent of the individual.

(2) The statement shall include a schedule of each gift, specified in paragraph (3) of this subsection, received during the applicable period:

(i) by the individual or by another entity at the direction of the individual; and

(ii) directly or indirectly, from or on behalf of an entity that is:

1. a regulated lobbyist;

2. regulated by the State; or

3. otherwise an entity doing business with the State.

(3)(i) Except as provided in subparagraph (ii) of this paragraph, the schedule shall include each gift with a value of more than $20 and each of two or more gifts with a cumulative value of $100 or more received from one entity during the applicable period.

(ii) The statement need not include as a gift:

1. food or beverages received and consumed by an official of the Legislative Branch in the presence of the donor or sponsoring entity as part of a meal or reception to which all members of a legislative unit were invited;

2. food or beverages received by a member of the General Assembly at the time and geographic location of a meeting of a legislative organization for which the member's presiding officer has approved the member's attendance at State expense; or

3. except as provided in subparagraph (iii) of this paragraph, a ticket or free admission extended to a member of the General Assembly by the person sponsoring or conducting the event as a courtesy or ceremony to the office to attend a charitable, cultural, or political event to which all members of a legislative unit were invited.

(iii) The statement shall include the acceptance of each of two or more tickets or free admissions, extended to a member of the General Assembly by the person sponsoring or conducting the event, with a cumulative value of $100 or more received from one entity during the applicable period.

(4) For each gift subject to this subsection, the schedule shall include:

(i) the nature and value of the gift; and

(ii) the identity of the entity from which the gift was received, whether directly or indirectly.

(5) This subsection does not authorize acceptance of a gift not otherwise allowed by law.

Employment by or interests in business entities doing business with State

(f)(1) The statement shall include, as specified in this subsection, a schedule of all offices, directorships, and salaried employment, or any similar interest not otherwise disclosed, in business entities doing business with the State.

(2) This subsection applies to positions and interests held at any time during the applicable period by:

(i) the individual; or

(ii) any member of the individual's immediate family.

(3) For each position or interest reported, this schedule shall include:

(i) the name and address of the principal office of the business entity;

(ii) the nature of the position or interest and the date it commenced;

(iii) the name of each governmental unit with which the entity is doing business; and

(iv) the nature of the business with the State, which, at a minimum, shall be specified by reference to the applicable criteria of doing business described in § 5-101(j) of this title.

Indebtedness to entity doing business with State

(g)(1) The statement shall include a schedule, to the extent the individual may reasonably be expected to know, of each debt, excluding retail credit accounts, owed at any time during the applicable period to entities doing business with the State:

(i) by the individual; and

(ii) if the individual was involved in the transaction giving rise to the debt, by any member of the immediate family of the individual.

(2) For each debt, the schedule shall include:

(i) the identity of the entity to which the debt was owed;

(ii) the date it was incurred;

(iii) the amount owed at the end of the applicable period;

(iv) the terms of payment;

(v) the extent to which the principal was increased or decreased during the applicable period; and

(vi) any security given.

Family members employed by State

(h) The statement shall include a schedule listing the members of the immediate family of the individual who were employed by the State in any capacity at any time during the applicable period.

Sources of earned income

(i)(1) Except as provided in paragraph (2) of this subsection, the statement shall include a schedule listing the name and address of each:

(i) place of salaried employment, including secondary employment, of the individual or a member of the individual's immediate family at any time during the applicable period; and

(ii) business entity of which the individual or a member of the individual's immediate family was a sole or partial owner, and from which the individual or family member received earned income, at any time during the applicable period.

(2) The statement may not include a listing of a minor child's employment or business entities of which the child is sole or partial owner, unless the place of employment or the business entity:

(i) is subject to the regulation or authority of the agency that employs the individual; or

(ii) has contracts in excess of $10,000 with the agency that employs the individual.

Additional information

(j) The statement may include a schedule listing additional interests or information that the individual chooses to disclose.

Credits

Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-607, MD GEN PROVIS § 5-607
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§ 5-608. Interests attributable to individual filing statement
West's Annotated Code of Maryland
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West's Annotated Code of Maryland
General Provisions (Refs & Annos)
Title 5. Maryland Public Ethics Law (Refs & Annos)
Subtitle 6. Financial Disclosure (Refs & Annos)

Effective: October 1, 2014

MD Code, General Provisions, § 5-608
Formerly cited as MD CODE, SG, § 15-608

§ 5-608. Interests attributable to individual filing statement

Currentness

Interests attributable
(a) The following are deemed to be interests of the individual under § 5-607(b), (c), and (d) of this subtitle:

(1) an interest held by a spouse or child of the individual, if the interest was controlled, directly or indirectly, by the individual at any time during the applicable period;

(2) an interest held by a business entity in which the individual held a 30% or greater interest at any time during the applicable period; and

(3) an interest held by a trust or an estate in which, at any time during the applicable period, the individual:

(i) held a reversionary interest;

(ii) was a beneficiary; or

(iii) if a revocable trust, was a settlor.

Effect on other disclosure requirements
(b) Subsection (a)(2) of this section does not affect:

(1) the requirement under § 5-607(b) of this subtitle of disclosure of real estate interests held in the name of a partnership, limited liability partnership, or limited liability company in which the individual holds an interest; or

(2) the requirement under § 5-607(c) of this subtitle of disclosure of all partnerships, limited liability partnerships, or limited liability companies in which the individual holds an interest.

Blind trusts
(c) For the purposes of § 5-607 of this subtitle, interests held by a blind trust may not be considered to be interests of the person making the statement if the blind trust is approved by the Ethics Commission in accordance with regulations adopted under § 5-501 (b) or § 5-502(c) of this title and is operated in compliance with those regulations.

Credits
Added by Acts 2014, c. 94, § 2, eff. Oct. 1, 2014.

MD Code, General Provisions, § 5-608, MD GEN PROVIS § 5-608
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