

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1023 (Delegate Kipke)
Environmental Matters

Public Ethics - Blind Industries and Services of Maryland

This bill includes Blind Industries and Services of Maryland (BISM) under the definition of “executive unit” under the Maryland Public Ethics Law and specifies that an employee or a board member of BISM is a public official under the Maryland Public Ethics Law.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Under the Maryland Public Ethics Law, “executive unit” means a department, agency, commission, board, council, or other body of State government that (1) is established by law and (2) is not in the Legislative Branch or Judicial Branch of State government. “Executive unit” includes (1) a county health department unless the officials and employees of the department are expressly designated as “local officials” under a specified provision of the law; (2) the office of the sheriff in each county; (3) the office of the State’s Attorney in each county; and (4) the Liquor Control Board for Somerset County.

In most cases, whether an individual in an executive unit is a public official is determined by the State Ethics Commission, according to criteria generally relating to the individual’s pay grade, decisionmaking authority, and/or role as an advisor to a person

with decisionmaking authority. Members, appointees, and employees of the Maryland Stadium Authority, the Canal Place Preservation and Development Authority, and members of the Emergency Medical Services Board, are specifically identified in statute as public officials in the Executive Branch. Public officials are subject to financial disclosure provisions of the Maryland Public Ethics Law.

Background: BISM was established in 1908 by the General Assembly as a nonprofit organization with a stated purpose of positively changing people's attitudes about blindness. BISM offers rehabilitation programs and employment opportunities for blind and low vision people of all ages and maintains 11 product manufacturing facilities in Maryland, Delaware, the District of Columbia, Kentucky, and North Carolina that employ 500 associates.

The State Ethics Commission periodically makes determinations as to whether specific entities created by the General Assembly are executive units and subject to the Maryland Public Ethics Law. The commission has not made a determination to date as to whether BISM is an executive unit subject to the law.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Ethics Commission, Department of General Services, Board of Public Works, Department of Budget and Management, Blind Industries and Services of Maryland, Department of Legislative Services

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mm/kdm

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