

THE DETERMINATION OF WHETHER AN INDIVIDUAL IS A "PUBLIC OFFICIAL" FOR THE PURPOSES OF THIS TITLE SHALL BE MADE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

(B) PUBLIC OFFICIALS OF EXECUTIVE UNITS.

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 § 15-208 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 ONE WITH THAT 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 ONE WITH THAT 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.

(C) PUBLIC OFFICIALS OF THE LEGISLATIVE BRANCH.

EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, AN INDIVIDUAL IN THE LEGISLATIVE BRANCH IS A PUBLIC OFFICIAL IF THE INDIVIDUAL:

(1) RECEIVES COMPENSATION AT A RATE EQUIVALENT TO AT LEAST STATE GRADE LEVEL 16; AND

(2) IS DESIGNATED A PUBLIC OFFICIAL BY ORDER OF THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY.

(D) PUBLIC OFFICIALS OF THE JUDICIAL BRANCH.