

HOUSE BILL 362

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Ethics Commission, State)**

Introduced and read first time: January 25, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Ethics – Definition of “Interest” – Mutual Funds**

3 FOR the purpose of altering the definition of “interest” in the Maryland Public Ethics
4 Law to exclude certain mutual funds; and generally relating to the Maryland
5 Public Ethics Law.

6 BY repealing and reenacting, with amendments,
7 Article – State Government
8 Section 15–102(t)
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2012 Supplement)

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

13 **Article – State Government**

14 15–102.

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

18 (2) “Interest” does not include:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8 1. has more than 25 participants; and

9 2. is determined by the Internal Revenue Service to be a
10 qualified trust or college savings plan under the Internal Revenue Code; OR

11 (v) **A MUTUAL FUND THAT IS PUBLICLY TRADED ON A**
12 **NATIONAL SCALE UNLESS THE MUTUAL FUND IS COMPOSED PRIMARILY OF**
13 **HOLDINGS OF STOCKS AND INTERESTS IN A SPECIFIC SECTOR OR AREA THAT IS**
14 **REGULATED BY THE INDIVIDUAL'S GOVERNMENTAL UNIT.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2013.