

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 651 (Delegate Kipke)
Environmental Matters

Anne Arundel County - Police Officers - Secondary Employment

This bill authorizes Anne Arundel County to enact a local law that allows secondary employment of county police officers.

Fiscal Summary

State Effect: None.

Local Effect: The bill's authorization for Anne Arundel County to enact a local law is permissive in nature and has no direct fiscal or operational impact on the county.

Small Business Effect: None.

Analysis

Current Law: Each county and municipality is required to enact provisions to govern conflict of interest, financial disclosure, and lobbying. The conflict of interest provisions must be similar, but not necessarily identical, to provisions applicable to State employees. Modification of a local law is allowed to the extent necessary to make the local provisions relevant to the prevention of conflicts of interest in that jurisdiction.

The Anne Arundel County Code, by amendments to its ethics law, would permit secondary employment by a county police officer in an establishment, other than a tavern, where liquor is sold or served, under detailed specified circumstances. The amendments also would permit secondary employment by a police officer in a bingo hall, under certain circumstances.

Regulations of the State Ethics Commission [COMAR 19A.04.02B] state that, with exceptions, the “local law should deal with prohibited outside employment, including a prohibition against employment by an entity that is subject directly to the regulatory or contract authority of the official or employee.” In a letter dated July 18, 2008, the State Ethics Commission disapproved of the changes to the Anne Arundel County ethics law as not similar to the State law because it provided a statutory and automatic special exception to the general secondary employment prohibitions, and removed the discretion of the Anne Arundel County Ethics Commission to review such cases on a case-by-case basis. The Anne Arundel County Ethics Commission has recently advised the Anne Arundel County Council to repeal the cited changes to the county ethics law to be in compliance with State law.

In a letter of advice dated January 17, 2011, the Office of the Attorney General indicates that the General Assembly may enact a law for a single charter county that would permit the county to amend its ethics ordinance to create an exemption for secondary employment by county police officers.

Background: The Anne Arundel County Police Department is comprised of approximately 650 police officers as shown in **Exhibit 1**. According to the county budget, the police officer salary scale ranges from \$41,620 to \$77,061.

Exhibit 1
Number of Anne Arundel County Police Officers by Rank

| | <u>FY 2009</u> | <u>FY 2010</u> | <u>FY 2011</u> |
|----------------------------|-----------------------|-----------------------|-----------------------|
| Police Officer | 144 | 124 | 124 |
| Police Officer First Class | 87 | 85 | 85 |
| Police Corporal | 340 | 329 | 329 |
| Police Sergeant | 75 | 69 | 69 |
| Police Lieutenant | 32 | 32 | 32 |
| Police Captain | 9 | 8 | 8 |
| Police Major | 0 | 3 | 3 |
| Deputy Police Chief | 2 | 2 | 2 |
| Total Officers | 689 | 652 | 652 |

Source: Anne Arundel County

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel County, Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2011
mc/hlb

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