

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

Senate Bill 214

(Senator Jones-Rodwell)(By Request - Baltimore City
Administration)

Education, Health, and Environmental Affairs

Environmental Matters

**Public Ethics Laws - Baltimore City - Health Department, Police Department, and
Civilian Review Board**

This bill specifies that city employees and officials of the Baltimore City Health Department; the Police Commissioner of Baltimore City and the civilian employees and police officers of the Baltimore City Police Department; and each member of and the employees of the Civilian Review Board are local officials subject to Baltimore City public ethics laws and not State public ethics laws. The bill also repeals a provision that explicitly makes Baltimore City health and housing inspectors who inspect for lead hazards subject to financial disclosure provisions enacted by the city.

Fiscal Summary

State Effect: None.

Local Effect: The bill's changes do not affect Baltimore City finances.

Small Business Effect: None.

Analysis

Current Law: Counties and municipalities are required, under the Maryland Public Ethics Law, to enact provisions to govern the public ethics of local officials relating to conflicts of interest, financial disclosure, and lobbying. Certain municipalities may be exempted or subject to modified requirements under specified circumstances. The provisions generally must be similar to State public ethics laws, but may be modified to make the provisions relevant to the jurisdiction. A "local official" is generally an

official, officer, or employee of a county or municipality that the governing body of the county or municipality determines is subject to the local government's public ethics laws. For certain counties, specific officials are included in the definition of a "local official." Currently, in Baltimore City, for the purpose of the financial disclosure provisions enacted by Baltimore City, "local official" includes Baltimore City health and housing inspectors who inspect for lead hazards.

Under the Maryland Public Ethics Law, county health departments are considered "executive units" of State government, subject to State public ethics laws, unless the officials and employees of the department are expressly designated as "local officials."

Background: In addition to specifying that Baltimore City Health Department officials and employees are local officials subject to the Baltimore City Public Ethics Law rather than State public ethics laws, the bill codifies the current practice and understanding of the Baltimore City Board of Ethics and the State Ethics Commission that the Baltimore City Police Department, though technically a State agency, and the Civilian Review Board are subject to the Baltimore City Public Ethics Law and not State public ethics laws. The Civilian Review Board is an independent agency authorized to process public complaints regarding actions of members of the Baltimore City Police Department and to review department policies.

Additional Information

Prior Introductions: None.

Cross File: HB 267 (Delegate Anderson, *et al.*) (By Request – Baltimore City Administration) – Environmental Matters

Information Source(s): State Ethics Commission, Baltimore City, Department of Legislative Services

Fiscal Note History: First Reader - February 8, 2011
ncs/mcr

Analysis by: Scott D. Kennedy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510