

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 509

(Senator Peters)

Education, Health, and Environmental Affairs

Environmental Matters

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Prince George's County - Ethics Reforms

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This bill requires that conflict-of-interest and lobbying provisions in Prince George's County's ethics laws prohibit specified conduct and requires the county's ethics laws to provide for (1) a five-member board of ethics; (2) an executive director of the board; and (3) the board to meet at least two times each year.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Prince George's County expenditures may increase by up to \$123,500 annually for the cost of the salary and fringe benefits of an executive director for the county's board of ethics if a full-time position is needed to fulfill the executive director's responsibilities. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The bill specifies that conflict-of-interest provisions enacted by the county, pursuant to the Maryland Public Ethics Law, must prohibit the county government from issuing a credit card to an elected county official or a school board member.

The conflict-of-interest provisions must also prohibit an elected county official from directly or indirectly soliciting a person to enter into a business relationship with or

provide anything of monetary value to a specific individual or entity, if the person being solicited is seeking the success or defeat of county legislation, a county contract, or any other county benefit. Any conflict-of-interest provision enacted in accordance with this requirement, however, may not be construed to affect the validity of any legally enacted requirement or condition, proposed and adopted on the public record at a public hearing, the purpose of which is to mitigate the impact of a development on the property owners in the areas surrounding the development, including an adequate public facilities requirement, a minority business requirement, or a community benefit requirement.

Lobbying provisions enacted by Prince George's County, pursuant to the Maryland Public Ethics Law, must prohibit a person from being hired as a lobbyist for compensation that is dependent on the outcome of executive or legislative action before the county government.

The county's ethics enactments must provide for a county board of ethics composed of five members appointed by the county executive, subject to the advice and consent of the county council, and an executive director of the board of ethics who must meet at least annually with each elected official of the county, assist the officials in preparing required affidavits or other documents, and conduct ethics-related briefings. The county's ethics enactments must also require the county board of ethics to meet at least two times each year.

**Current Law/Background:** 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.

The Prince George's County Code of Ethics contains various conflict-of-interest and lobbying provisions. Two requirements that are similar or related to the requirements mandated in the bill are that "an official or employee may not intentionally use the prestige of his office for his own private gain or that of another" and "no person may engage in lobbying activities on behalf of another person for compensation, the payment of which is contingent upon the passage or defeat of any action by the [county council]."

There is a five-member Prince George's County Board of Ethics established under the county ethics code. The board members are appointed by the county executive and confirmed by the county council. The county ethics code provides for the board to be assisted in carrying out its responsibilities by the county attorney and the county executive must furnish the board stenographic services, physical facilities, and other necessary administrative services and employees.

**Local Fiscal Effect:** Prince George's County expenditures may increase by up to \$123,500 annually for the cost of the salary and fringe benefits of a full-time executive director for the county's board of ethics. Expenditures may be less than that amount to the extent the responsibilities of the executive director can be fulfilled through a part-time position or by using existing staff to carry out the responsibilities of the executive director position.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1090 (Prince George's County Delegation) - Environmental Matters.

**Information Source(s):** Prince George's County, State Ethics Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2011  
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