

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 142 (Delegate O'Donnell)
Environmental Matters

General Assembly - Advocating for or Directing an Entity to Hire a Member's
Relative - Prohibited

This bill prohibits a member of the General Assembly from advocating for or directing that a lobbying entity or an entity with whom a member has a close economic association, hire the member's relative or the relative of another member from the same legislative district.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: "Relative" is defined as (1) a spouse; (2) a parent or stepparent; (3) a sibling or stepsibling; (4) a child, stepchild, foster child, or ward; (5) a mother-in-law or father-in-law; (6) a son-in-law or daughter-in-law; (7) a grandparent; or (8) a grandchild.

"Close economic association" is defined as:

- a legislator's employer, employee, or partner in a business or professional enterprise;
- a partnership, limited liability partnership, or limited liability company in which a legislator has invested capital or owns an interest;

- a corporation in which a legislator owns the lesser of (a) 10% or more of the outstanding capital stock or (b) capital stock with a cumulative value of \$25,000 or more; and
- a corporation in which the legislator is an officer, director, or agent.

A close economic association does not mean owning stock directly through a mutual fund, retirement plan, or other similar commingled investment vehicle where the legislator does not control or manage the individual investments.

Current Law: A member of the General Assembly is prohibited from employing for legislative business the member's own relative, or the relative or another member from the same legislative district, using public funds that the member controls. There is an exception if a member has a physical impairment that necessitates the employment of a particular relative and the employment is disclosed to the Joint Committee on Legislative Ethics.

Under conflict of interest provisions of the Maryland Public Ethics Law, an official (including a member of the General Assembly) or employee may not intentionally use the prestige of office or public position for that official's or employee's private gain or that of another. An official or employee is also generally prohibited from participating in a matter if the official or employee knows that a "qualifying relative" holds specified employment or a position with a business entity that is a party to the matter, or that the qualifying relative has applied for, is negotiating, or arranged prospectively for employment or a position with a business entity that is a party to the matter. Certain exceptions apply. A "qualifying relative" is defined as a spouse, parent, child, brother, or sister.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 7, 2013
ncs/kdm

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