

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 316 (Senators Brinkley and Young)
Education, Health, and Environmental Affairs

Frederick County - Ethics - Former Officials and Employees

This bill specifies that, in Frederick County, conflict of interest provisions enacted by the county in accordance with the Maryland Public Ethics Law may allow a former official or employee to assist or represent a party, for compensation, in a case, contract, or other specific matter in which the individual significantly participated as an official or employee. The authorization applies to (1) a former elected local official, after two years have elapsed from the date the official left office; (2) a former local official or employee whose employment or service was terminated by the county and who was not discharged from government service as a disciplinary measure, immediately on leaving government service or employment; and (3) all other former officials or employees, after one year has elapsed from the date the former official or employee left government office or employment.

Fiscal Summary

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

Local Effect: The bill does not directly affect Frederick County operations or finances.

Small Business Effect: Potential minimal.

Analysis

Current Law: Under the Maryland Public Ethics Law, counties and municipal corporations are required to enact conflict of interest provisions that are similar to State conflict of interest provisions, except in the case of conflict of interest provisions for elected local officials, which must be equivalent to or exceed State requirements. The

provisions may be modified to the extent necessary to make them relevant to the prevention of conflicts of interest in that jurisdiction.

Under State conflict of interest provisions, a former official or employee other than a former member of the General Assembly may not assist or represent a party, other than the State, in a case, contract, or other specific matter for compensation if the matter involves State government and the former official or employee participated significantly in the matter as an official or employee. A former member of the General Assembly may not assist or represent another party for compensation in a matter that is the subject of legislative action until the conclusion of the next regular session that begins after the member leaves office. That restriction, however, does not apply to the former member's representation of a municipal corporation, county, or State governmental entity.

Additional Information

Prior Introductions: None.

Cross File: HB 432 (Frederick County Delegation) - Environmental Matters.

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

Fiscal Note History: First Reader - February 12, 2013
mlm/kdm

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