

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 869
Rules

(Senator Kittleman)

Public Ethics - Members of the General Assembly - Meals, Receptions, and Beverages

This bill limits to \$20 the amount of food or beverages that legislative officials may receive and consume under exemptions from a prohibition under the Maryland Public Ethics Law against acceptance of specified gifts.

Fiscal Summary

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

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: In general, an official or employee may not knowingly accept a gift from an entity that (1) does or seeks to do business with the official's or employee's governmental unit; (2) engages in an activity that is regulated or controlled by the official's or employee's governmental unit; (3) has a financial interest that may be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or nonperformance of the official's or employee's official duties; or (4) is a regulated lobbyist with respect to matters within the jurisdiction of the official or employee.

Certain exemptions apply to the prohibition on acceptance of gifts, however, as long as the gift (1) would not tend to impair the official's or employee's impartiality and

independent judgment and (2) as to a gift of significant value, would not give the appearance of impairing the impartiality and independent judgment of the official or employee and the official or employee does not believe or have reason to believe that the gift is designed to impair his or her impartiality and independent judgment.

The exempted gifts affected by the bill are:

- for officials of the Legislative Branch, food or beverages received and consumed in the presence of the donor or sponsoring entity as part of a meal or reception to which all members of a legislative unit were invited; and
- for a member of the General Assembly, food or beverages received when the General Assembly is not in session, from a donor or sponsoring entity (other than certain individual regulated lobbyists) located within the county that contains the member's district, at a location in a county that contains the member's district.

“Legislative unit” means (1) the General Assembly; (2) either house of the General Assembly; (3) a standing committee; or (4) a county or regional delegation recognized by a presiding officer of the General Assembly.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 11, 2013
mlm/kdm

Analysis by: Scott D. Kennedy

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