

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

House Bill 221 (Delegate Bobo, *et al.*)
Environmental Matters

Ethics - Prohibition on Acceptance of Gifts by Legislators - Repeal of Exception

This bill repeals the exception to the general gift acceptance prohibition that allows legislators to accept food and beverages received at the time and location of a meeting of a legislative organization that the member's presiding officer has approved the member's attendance at the State's expense.

Fiscal Summary

State Effect: The bill could be handled within existing budgeted resources.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: An official or employee may not knowingly accept a gift, directly or indirectly, 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 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.

Legislators may accept gifts of food and beverages received at the time and location of a meeting of a legislative organization for which the member's presiding officer has

approved the member's attendance at the State's expense. In addition, legislators may consume food or beverages as part of a meal or reception for which all members of a legislative unit are invited while in the presence of the donor or sponsoring entity.

Background: Per guidelines set by the General Assembly Compensation Commission, legislators are reimbursed for combined meals and lodging for out-of-state travel up to \$225 per day. The presiding officers of the Senate and House routinely approve members' attendance at State expense to meetings of legislative organizations such as the National Conference of State Legislators and the Southern Legislative Conference.

Additional Information

Prior Introductions: A similar bill was introduced at the 2001 session as HB 816. The bill received an unfavorable report from the House Commerce and Government Matters Committee.

Cross File: None, although SB 82 is identical.

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

Fiscal Note History: First Reader - February 10, 2004
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Analysis by: Michelle L. Harrison-Davis

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