

Department of Legislative Services  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

Senate Bill 82 (Senator Brochin, *et al.*)  
Education, Health, and Environmental Affairs

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

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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.

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**Fiscal Summary**

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

**Local Effect:** None.

**Small Business Effect:** Minimal.

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**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.

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### **Additional Information**

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

**Cross File:** None, although HB 221 is identical.

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

**Fiscal Note History:** First Reader - February 27, 2004  
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