

Department of Legislative Services

Maryland General Assembly

2004 Session

FISCAL AND POLICY NOTE

Revised

House Bill 1318

(Delegate Oaks)

Environmental Matters

Education, Health, and Environmental Affairs

State and Local Employees - Public Disclosures - Conflicts of Interest

This bill requires the Governor to designate (by executive order) the following employees of an executive unit to disclose any interest the employees have in any real property in Maryland and any other information that the State Ethics Commission considers to be a conflict of interest related to employment: (1) a home inspector or licensed home inspector; (2) a building code enforcement official employed by the State; (3) an accredited lead inspector for the Maryland Department of the Environment (MDE); and (4) an environmental sanitarian. The bill also requires Baltimore City to include city health and housing inspectors who inspect for lead as “local officials” for city financial disclosure purposes.

Fiscal Summary

State Effect: The State Ethics Commission can handle the reporting requirements with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: With the Joint Committee on Legislative Ethics and the Commission on Judicial Disabilities, the State Ethics Commission administers the Maryland Public Ethics Law. That law requires disclosure of the financial affairs of officials and sets standards of conduct for State and local government officials, candidates for State offices, and

employees. The commission issues formal and informal ethics advice to those covered by the ethics statute; formal advisory opinions are legally binding.

All State elected officials, candidates for State elected offices, and other State or public officials, including agency managers, regulators, and purchasing staff, and some appointed members of boards and commissions, must file annual financial disclosure statements that identify real estate interests, equity interests, and other relationships such as employment, debts, and gifts.

The law defines a public official in an executive unit as an individual who is compensated at grade level 16 or higher that has decision-making authority to, or advises one with the authority to, make State policy or exercise quasi-judicial, regulatory, licensing, inspecting, or auditing functions, unless the position is essentially administrative.

Background: A home inspector is an individual who provides a written evaluation of one or more components, such as the heating or plumbing system or masonry, of existing residential buildings. The Maryland Real Estate Appraisers and Inspection Commission regulates and issues licenses for home inspectors; however, the licensing program is currently inactive due to a lack of funding. The Maryland Building Codes Administration employs five engineers and a program manager who serve as building code inspectors to enforce federal mobile home standards and provide technical assistance to local governments.

Environmental sanitarians, who must be licensed by the State Board of Environmental Sanitarians, conduct inspections to enforce health and environmental laws and regulations in areas such as food manufacturing and distribution, air quality, insect control, product safety, and wastewater treatment and supply. There are 771 licensed sanitarians in Maryland, including 513 who work for MDE and the Department of Health and Mental Hygiene. An unknown number of sanitarians work for local governments. In addition, MDE has accredited nine inspectors who assist with reducing childhood lead poisoning under the Lead Poisoning Prevention Program. Baltimore City has nine lead inspectors.

Additional Comments: The Department of Legislative Services advises that some of the individuals required by the bill to file a disclosure statement are likely required to do so under current law due to their grade level and responsibilities.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Ethics Commission; Maryland Department of the Environment; Department of Labor, Licensing, and Regulation; Department of Legislative Services

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