

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 790

(Delegate McIntosh)

Environmental Matters

Education, Health, and Environmental Affairs

Public Ethics Law - Advisory Governmental Bodies - Application

This bill provides that a person who serves on an advisory governmental body is not a “public official” for purposes of disclosure filing requirements as defined under the Public Ethics Law merely by virtue of the person’s service on that body. The bill also amends a provision that authorizes a regulated lobbyist to serve as an appointed member of an advisory governmental body of limited duration without terminating registration as a lobbyist to allow a lobbyist to serve on an advisory body regardless of its duration.

Fiscal Summary

State Effect: The bill would not materially affect governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Public Ethics Law generally provides rules regarding conflicts of interest, lobbying, and public disclosure applicable to State or public officials and employees. A public official is defined generally as an individual in an executive unit who receives compensation at a rate equivalent to at least State grade level 16, or who is appointed to a board, if the individual, acting alone or as a member of an executive unit, has decision making authority or acts as a principal advisor to one with that authority. The State Ethics Commission has the authority to determine whether an individual is a public official in accordance with guidelines set in statute.

State law authorizes the commission to grant an exemption from disclosure filing requirements to members of an advisory body upon written request of the executive unit involved in instances where the filing requirements would: (1) be an unreasonable invasion of privacy; (2) significantly reduce the amount of qualified individuals available for public service; or (3) where the commission determines the filing requirements are not necessary.

Current Law: State law also requires the commission to adopt regulations which, at a minimum, authorize a regulated lobbyist to serve on an advisory governmental body of limited duration without requiring termination of a lobbyist's registration. However, the commission has determined that members of advisory governmental bodies of limited duration are "public officials" for purposes of the disclosure filing requirements under the Public Ethics Law due to their advisory roles.

State Fiscal Effect: A substantial portion of individuals serving on advisory bodies are already granted exemptions by the commission each year. The broad exemption of individuals contemplated by the bill would thus create negligible cost savings for the commission.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 18, 2005
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