

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

House Bill 904 (Delegate Smigiel)
Environmental Matters

State Government - Sheriff and State's Attorney - Board Membership

This bill prohibits, except as otherwise provided in State law, a sheriff or State's Attorney from being a member of any board – including a nonprofit board of directors or board of trustees, or for-profit board of directors or board of trustees – that is located in the county where the official serves. The prohibition applies notwithstanding any local law.

Fiscal Summary

State Effect: None. The bill does not materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Sheriffs and State's Attorneys are considered State officials under State ethics laws, and therefore are subject to restrictions on their employment and participation in certain activities that may pose a conflict of interest. In particular, they may not participate in any matter if they have and are aware of an interest in the matter, or if they or a qualifying relative are employed by or otherwise financially involved with a business entity involved in the matter, as specified in statute. A qualifying relative includes a spouse, parent, child, brother, or sister.

State officials may not, subject to exemptions granted by the State Ethics Commission, be employed by or have a financial interest in an entity that is subject to the official's authority or negotiating a contract with, or contracted by, the official's governmental

unit. In addition, State officials may not have an employment relationship that impairs their impartiality and independent judgment.

State officials may not, subject to specified exceptions, solicit any gift or facilitate the solicitation of a gift on behalf of another individual. They also may not accept any gift from an entity that:

- does or seeks to do business with the official's governmental unit;
- engages in an activity that is regulated or controlled by the official's governmental unit;
- has a financial interest that may be affected substantially and materially by the performance or nonperformance of the official's duties; or
- is a regulated lobbyist with respect to matters within the official's jurisdiction.

State officials may not intentionally use the prestige of office or public position for their private gain or that of another.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Kent County, Washington County, Worcester County, State Ethics Commission, State's Attorneys' Association, Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2009
mcp/mcr

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