

Department of Legislative Services
2010 Session

FISCAL AND POLICY NOTE

House Bill 1195

(Delegate O'Donnell, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Ethics - Executive Branch - Lobbying by Former Officials

This bill prohibits a former State official or public official of the Executive Branch from assisting or representing another party for compensation in a matter that is the subject of legislative action for one year after the official leaves employment. The prohibition does not apply to a former official's representation of a municipal corporation, county, or State governmental entity.

Fiscal Summary

State Effect: The bill does not directly impact State operations or finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Current Law: Former members of the General Assembly are prohibited, until the conclusion of the next regular session that begins after a member leaves office, from assisting or representing another party for compensation in a matter that is the subject of legislative action. The prohibition does not apply to a former member's representation of a municipal corporation, county, or State governmental entity.

Former State officials or employees other than General Assembly members are prohibited from assisting or representing a party, other than the State, in a case, contract, or other specific matter that involves State government if the former official or employee participated significantly in the matter while employed by the State.

“State official” is defined in statute and includes a constitutional officer or officer-elect in an executive unit. In most cases, whether an individual in an executive unit is a “public official” is determined by the State Ethics Commission, according to criteria generally relating to the individual’s pay grade, decision making authority, or role as an advisor to a person with decision-making authority. Members, appointees, and employees of the Maryland Stadium Authority and the Canal Place Preservation and Development Authority, and members of the Emergency Medical Services Board, are specifically identified in statute as public officials. State officials, along with specified contractual employees and faculty members of State higher education institutions, are not public officials.

Additional Information

Prior Introductions: HB 475 of 2009 passed the House, but no further action was taken.

Cross File: None.

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

Fiscal Note History: First Reader - March 7, 2010
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