

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 1090 (Prince George's County Delegation)
Environmental Matters

Prince George's County - Ethics Reforms
PG 425-11

This bill requires that conflict-of-interest and lobbying provisions in Prince George's County's ethics laws prohibit specified conduct and requires the county to establish a seven-member board of ethics with a full-time executive director, and an ethics advisor.

Fiscal Summary

State Effect: None.

Local Effect: Prince George's County expenditures increase by at least \$123,500 annually for the cost of the salary and fringe benefits of an executive director for the county's board of ethics. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The bill specifies that conflict-of-interest provisions enacted by the county, pursuant to the Maryland Public Ethics Law, must:

- prohibit the county government from issuing a credit card to an elected county official or a school board member; and
- prohibit an elected county official from directly or indirectly soliciting a person to enter into a business relationship with or provide anything of value to a specific

individual or entity, if the person being solicited is seeking the success or defeat of county legislation, a county contract, or any other county benefit.

Lobbying provisions enacted by Prince George's County, pursuant to the Maryland Public Ethics Law, must prohibit a person from being hired as a lobbyist for compensation that is dependent on the outcome of executive or legislative action before the county government.

The county's ethics enactments must provide for a county board of ethics composed of seven members, a full-time executive director of the board of ethics, and an ethics advisor. The ethics advisor must meet at least annually with elected officials of the county, assist the officials in preparing required affidavits or other documents, and conduct ethics-related briefings.

Current Law/Background: Counties and municipalities are required, under the Maryland Public Ethics Law, to enact provisions to govern the public ethics of local officials relating to conflicts of interest, financial disclosure, and lobbying. Certain municipalities may be exempted or subject to modified requirements under specified circumstances. The provisions generally must be similar to State public ethics laws but may be modified to make the provisions relevant to the jurisdiction.

The Prince George's County Code of Ethics contains various conflict-of-interest and lobbying provisions. Two requirements that are similar or related to the requirements mandated in the bill are that "an official or employee may not intentionally use the prestige of his office for his own private gain or that of another" and "no person may engage in lobbying activities on behalf of another person for compensation, the payment of which is contingent upon the passage or defeat of any action by the [county council]."

There is a five-member Prince George's County Board of Ethics established under the county ethics code. The board members are appointed by the county executive and confirmed by the county council. The county ethics code provides for the board to be assisted in carrying out its responsibilities by the county attorney and the county executive must furnish the board stenographic services, physical facilities, and other necessary administrative services and employees.

Local Fiscal Effect: Prince George's County expenditures are expected to increase by at least \$123,500 annually for the cost of the salary and fringe benefits of an executive director for the county's board of ethics. County expenditures may further increase for the services of an ethics advisor, if existing county legal staff cannot fulfill that role. The county advises that the current members of the board of ethics are not provided compensation.

Additional Information

Prior Introductions: None.

Cross File: SB 509 (Senator Peters) - Education, Health, and Environmental Affairs.

Information Source(s): Prince George's County, State Ethics Commission, Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2011
ncs/mcr

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