

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 46

(Delegate O'Donnell)

Environmental Matters

Education, Health, and Environmental Affairs

---

**Ethics Law - Soliciting the Employment of Lobbyists**

---

This bill prohibits an official from directly or indirectly initiating a solicitation for a person to retain the services of a particular regulated lobbyist or lobbying firm. The bill's prohibition, however, does not prohibit the performance of usual and customary constituent services, without additional compensation.

---

**Fiscal Summary**

**State Effect:** The bill does not directly affect State government operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

---

**Analysis**

**Current Law:** Under the Maryland Public Ethics Law, an official or employee may not intentionally use the prestige of office or public position for that official's or employee's private gain or that of another. This prohibition, however, does not prohibit the performance of usual and customary constituent services, without additional compensation.

"Official" means either a State or public official. "State official" is defined in statute and includes a constitutional officer or officer-elect in an executive unit and a member or member-elect of the General Assembly. 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, decisionmaking

authority, or role as an advisor to a person with decision-making authority. An individual in the Legislative Branch is a public official if the individual receives a specified level of compensation and is designated a public official by order of the Presiding Officers of the General Assembly.

A “regulated lobbyist” is a person or entity required under the Maryland Public Ethics Law to register with the State Ethics Commission because the person or entity generally has made certain expenditures and/or received certain compensation to influence legislative or executive action.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Ethics Commission; Secretary of State; Judiciary (Administrative Office of the Courts); Comptroller’s Office; Governor’s Office; Baltimore, Garrett, and Montgomery counties; City of Laurel; Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2011  
mlm/mcr Revised - House Third Reader - March 21, 2011

---

Analysis by: Scott D. Kennedy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510