

SENATE BILL 438

G2, L1, L3

2lr2622

By: **Senators Brinkley and Young**

Introduced and read first time: February 2, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics – Former Local Government Officials and Employees**

3 FOR the purpose of requiring the ethics provisions enacted by a county or municipal
4 corporation to allow a former official or former employee of the county or
5 municipal government, after the passage of a certain time period, to engage in
6 certain representation or assistance that relates in a certain way to the official's
7 or employee's governmental actions; and generally relating to the ethics
8 requirements for counties and municipal corporations.

9 BY repealing and reenacting, without amendments,
10 Article – State Government
11 Section 15–504(d)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2011 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Government
16 Section 15–804
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – State Government**

22 15–504.

23 (d) (1) Except for a former member of the General Assembly, who shall be
24 subject to the restrictions provided under paragraph (2) of this subsection, a former

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 official or employee may not assist or represent a party, other than the State, in a
2 case, contract, or other specific matter for compensation if:

3 (i) the matter involves State government; and

4 (ii) the former official or employee participated significantly in
5 the matter as an official or employee.

6 (2) (i) Except as provided in subparagraph (ii) of this paragraph,
7 until the conclusion of the next regular session that begins after the member leaves
8 office, a former member of the General Assembly may not assist or represent another
9 party for compensation in a matter that is the subject of legislative action.

10 (ii) The limitation under subparagraph (i) of this paragraph on
11 representation by a former member of the General Assembly does not apply to the
12 former member's representation of a municipal corporation, county, or State
13 governmental entity.

14 15-804.

15 (a) Except as provided in subsection (b) of this section, the conflict of interest
16 provisions enacted by a county or municipal corporation under § 15-803 of this
17 subtitle shall be similar to the provisions of Subtitle 5 of this title, but may be modified
18 to the extent necessary to make the provisions relevant to the prevention of conflicts of
19 interest in that jurisdiction.

20 (b) The conflict of interest provisions for elected local officials enacted by a
21 county or municipal corporation under § 15-803 of this subtitle shall be equivalent to
22 or exceed the requirements of Subtitle 5 of this title, but may be modified to the extent
23 necessary to make the provisions relevant to the prevention of conflicts of interest in
24 that jurisdiction.

25 **(C) A COUNTY'S OR MUNICIPAL CORPORATION'S CONFLICT OF**
26 **INTEREST PROVISION OF A COUNTY OR A MUNICIPAL CORPORATION THAT IS**
27 **BASED ON § 15-504(D) OF THIS TITLE SHALL ALLOW A FORMER OFFICIAL OR**
28 **FORMER EMPLOYEE, AFTER 1 YEAR FROM THE DATE OF LEAVING GOVERNMENT**
29 **OFFICE OR EMPLOYMENT, TO ASSIST OR REPRESENT A PARTY, FOR**
30 **COMPENSATION, IN A CASE, A CONTRACT, OR ANY OTHER SPECIFIC MATTER IN**
31 **WHICH THE INDIVIDUAL PARTICIPATED SIGNIFICANTLY AS AN OFFICIAL OR**
32 **EMPLOYEE.**

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2012.