

Department of Legislative Services
2012 Session

FISCAL AND POLICY NOTE

House Bill 374 (Delegate O'Donnell)
Environmental Matters

Ethics - Executive Branch - Lobbying by Former Officials

This bill prohibits a former State official or public official of the Executive Branch who had duties substantially related to State legislative matters and the General Assembly, or to the procurement of goods and services, from assisting or representing another party for compensation in a matter that is the subject of legislative action or in a procurement matter before the official's former agency, respectively, for one year after the official leaves State employment. However, in the case of a legislative matter, the bill's prohibitions do not apply to the former official's representation of a municipal corporation, county, or State governmental entity; in the case of a procurement matter before the official's former agency, the prohibitions do not apply to the former official's representation of another 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 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 for compensation 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, decisionmaking authority, and/or role as an advisor to a person with decisionmaking 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 in the Executive Branch.

Additional Information

Prior Introductions: HB 27 of 2011 passed the House and received a favorable with amendments report from the Senate Education, Health, and Environmental Affairs Committee but was later recommitted to committee and no further action was taken. HB 1195 of 2010 passed the House and received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. HB 475 of 2009 passed the House and was referred to the Senate Rules Committee, but no further action was taken.

Cross File: None.

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

Fiscal Note History: First Reader - February 17, 2012
mc/kdm

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