

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1357 (Delegate Ross)
Environmental Matters

Ethics - General Assembly - Government Employment

This bill amends the criteria upon which the Joint Ethics Committee may exempt an individual from a general prohibition against a General Assembly member, candidate, or member-elect receiving earned income from an Executive unit or a political subdivision of the State. The bill allows the Joint Ethics Committee to exempt an individual from the prohibition if the work for which the earned income would be received is consistent with the individual's qualifications, based on the committee's evaluation of the individual's education and prior work experience. The bill does not affect an exemption from the prohibition, which was established under Chapter 129 of 1999, of any employment or relationship entered into prior to October 1, 1999.

Fiscal Summary

State Effect: None. The bill does not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Subject to exceptions, a member of the General Assembly, a filed candidate for election to the General Assembly, or a member-elect of the General Assembly may not receive earned income from an Executive unit or a political subdivision of the State. The prohibition does not apply to compensation to a member, candidate, or member-elect pursuant to (1) employment as a nonelected law enforcement officer or a fire or rescue squad worker; or (2) a transaction or relationship that existed when the individual was not a member, candidate, or member-elect.

The Joint Ethics Committee may also exempt an individual from the prohibition if the earned income is for (1) educational instruction provided by the member, candidate, or member-elect; (2) a position that is subject to a merit system hiring process; (3) a human services position; or (4) a career promotion, change, or progression that is a logical transition from a pre-existing relationship. The bill replaces these criteria.

An “Executive unit” is a department, agency, commission, board, council, or other body of State government that is established by law and is not in the Legislative or Judicial branches. “Executive unit” includes a county health department (unless the department’s officials and employees are expressly designated by law as “local officials”), county sheriff’s offices, county State’s Attorney offices, the Liquor Control Board for Somerset County, and the Worcester County Department of Liquor Control.

Chapter 129 of 1999, which established the prohibition addressed by the bill, exempted from the prohibition any employment or relationship that was entered into prior to the effective date of the Act (October 1, 1999), and was, immediately prior to the effective date, in conformance with all applicable laws, rules, and other standards of ethical conduct.

Background: The prohibition against a General Assembly member, candidate, or member-elect receiving earned income from an Executive unit or a political subdivision of the State is further discussed in an opinion of the Joint Committee on Legislative Ethics (Ethics Opinion #4, *Employment by State or Local Government*). The opinion includes certain guidance regarding the committee’s interpretation of the current exemptions from the prohibition.

Additional Information

Prior Introductions: SB 254 of 2010 was referred to the Senate Education, Health, and Environmental Affairs 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 - March 14, 2012
mc/kdm

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