

SENATE BILL 316

G2, L1

3lr1166
CF 3lr1167

By: **Senators Brinkley and Young**

Introduced and read first time: January 23, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Ethics – Former Officials and Employees**

3 FOR the purpose of authorizing the ethics provisions enacted by Frederick County to
4 allow certain former officials or employees of the county to engage in certain
5 representation or assistance that related in a certain way to the officials' or
6 employees' former government activities after certain time periods; and
7 generally relating to the ethics requirements for Frederick County.

8 BY repealing and reenacting, without amendments,
9 Article – State Government
10 Section 15–504(d)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2012 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – State Government
15 Section 15–804
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2012 Supplement)

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

20 **Article – State Government**

21 15–504.

22 (d) (1) Except for a former member of the General Assembly, who shall be
23 subject to the restrictions provided under paragraph (2) of this subsection, a former
24 official or employee may not assist or represent a party, other than the State, in a
25 case, contract, or other specific matter for compensation if:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) the matter involves State government; and

2 (ii) the former official or employee participated significantly in
3 the matter as an official or employee.

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

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

12 15-804.

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

18 (b) **[The] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**
19 **THE** conflict of interest provisions for elected local officials enacted by a county or
20 municipal corporation under § 15-803 of this subtitle shall be equivalent to or exceed
21 the requirements of Subtitle 5 of this title, but may be modified to the extent
22 necessary to make the provisions relevant to the prevention of conflicts of interest in
23 that jurisdiction.

24 **(C) IN FREDERICK COUNTY, THE CONFLICT OF INTEREST PROVISIONS**
25 **THAT ARE BASED ON § 15-504(D) OF THIS TITLE MAY ALLOW A FORMER**
26 **OFFICIAL OR EMPLOYEE TO ASSIST OR REPRESENT A PARTY, FOR**
27 **COMPENSATION, IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER IN WHICH**
28 **THE INDIVIDUAL SIGNIFICANTLY PARTICIPATED AS AN OFFICIAL OR EMPLOYEE:**

29 **(1) FOR A FORMER ELECTED LOCAL OFFICIAL, AFTER 2 YEARS**
30 **HAVE ELAPSED FROM THE DATE THE FORMER ELECTED LOCAL OFFICIAL LEFT**
31 **THE ELECTED OFFICE;**

32 **(2) FOR A FORMER LOCAL OFFICIAL OR EMPLOYEE WHOSE**
33 **EMPLOYMENT OR SERVICE WAS TERMINATED BY THE COUNTY AND WHO WAS**
34 **NOT DISCHARGED FROM GOVERNMENT SERVICE AS A DISCIPLINARY MEASURE,**
35 **IMMEDIATELY ON LEAVING GOVERNMENT SERVICE OR EMPLOYMENT; AND**

1 **(3) FOR ALL OTHER FORMER OFFICIALS OR EMPLOYEES, AFTER 1**
2 **YEAR HAS ELAPSED FROM THE DATE THE FORMER OFFICIAL OR EMPLOYEE**
3 **LEFT GOVERNMENT OFFICE OR EMPLOYMENT.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2013.