

**Department of Legislative Services**  
Maryland General Assembly  
2013 Session

**FISCAL AND POLICY NOTE**

House Bill 141 (Delegate O'Donnell)  
Environmental Matters

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

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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.

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**Fiscal Summary**

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

**Local Effect:** None.

**Small Business Effect:** None.

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**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, and/or role as an advisor to a person with decisionmaking 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.

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### **Additional Information**

**Prior Introductions:** HB 471 of 2012 and HB 46 of 2011 both passed the House and received hearings in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken on either bill.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 7, 2013  
mc/kdm

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