CLARENCE K. LAM, M.D., M.P.H.
Legislative District 12
Baltimore and Howard Counties

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Miller Senate Office Building
11 Bladen Street, Room 420
Annapolis, Maryland 21401
410-841-3653 · 301-858-3653
800-492-7122 *Ext.* 3653
Clarence.Lam@senate.state.md.us

Support SB 570:
Public Ethics – Former Secretary, Deputy Secretary, or Assistant Secretary of a Principal Department – Employment Restrictions

Background:

- As in every state, Maryland utilizes ethics statutes to mitigate the influence of public officials by powerful special interests.
- Ethics statutes are necessary to prevent undemocratic manipulation of public officials in exchange for benefits or future compensatory opportunities.
- Currently, the Governor, Lt. Governor, Attorney General, State Treasurer, Comptroller, General Assembly Members, and Secretaries of a principal department of state government are prohibited from engaging in legislative activity for 1 year after leaving office.
- Numerous states have stronger prohibitions on representing entities for compensation after leaving public service including California, Kansas, Louisiana, Massachusetts, Mississippi, Montana, New Mexico, and South Carolina.[1]

Why SB 570 is Needed:

- Deputy and assistant secretaries of principal departments of state government are currently not subject to prohibitions on engaging in legislative activities after their public service has ended, despite their high ranking positions within these departments.
- The potential for special interest influence on the actions of these public officials can diminish their ability to act in the best interests of the state during their tenure in public service.
- Additionally, prohibitions on legislative activity do not necessarily cover actions relating to the acquisition of contracts and other procurement activities. For example, a loophole enables special interest groups to influence these ranking officials in these procurement-related activities in exchange for non-legislative employment once the individual leaves the state government.

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[1] NCSL (2021)

- It is important to codify that all high-ranking officials cannot engage in biased contractual business with entities for incentives or “kickbacks” once they leave office.

What SB 570 Does:

- SB 570 expands the current law requiring public officials to wait a minimum of one year before they can assist or represent private-interest groups in matters relating to legislative affairs by adding Deputy and Assistant Secretaries of principal departments to the current statute.
- SB 570 also adds to the statute a prohibition on employment with special interest groups if, in the period of one year before leaving state government, the secretary was a party to a combination of sales totaling $5,000 or more on a cumulative basis during the calendar year.
- The employment prohibition based on recent contractual business will only apply to Secretaries, Deputy Secretaries, and Assistant Secretaries of principal departments.

What SB 570 Accomplishes:

- SB 570 further adds high-ranking public officials to the list of entities unable to engage in legislative work when they move on from their role in public office, which will help reduce outside political influences on their work while serving in office.
- SB 570 strengthens the integrity of our executive agencies by limiting the ability of private entities to influence the decisions of deputy and assistant secretaries through incentives (such as future employment opportunities) which are currently not captured by existing ethics statutes.
- SB 570 aligns Maryland with numerous other states that have strong ethical statutes.
- SB 570 signals to the Maryland public that the stewardship of their taxpayer dollars and the affirmation of democratic leadership is a priority of the legislative branch.