

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 471

(Delegate O'Donnell, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

Ethics Law - Soliciting the Employment of Lobbyist

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.

Fiscal Summary

State Effect: The bill does not directly affect State government operations or finances.

Local Effect: None.

Small Business Effect: None.

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, decision-making

authority, and/or role as an advisor to a person with decision-making 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.

Additional Information

Prior Introductions: HB 46 of 2011 passed the House and received a hearing in 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 - February 24, 2012
ncs/kdm

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