

HOUSE BILL 1429

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By: **Chair, Environmental Matters Committee (By Request – Departmental – Health and Mental Hygiene)**

Introduced and read first time: February 18, 2013

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State Ethics – Former State Officials and Employees – Employment**

3 FOR the purpose of providing that a former State official or employee may not be
4 considered to have participated significantly in a contract under certain
5 circumstances for purposes of certain restrictions on employment; and generally
6 relating to employment of former State officials and employees.

7 BY repealing and reenacting, with amendments,

8 Article – State Government

9 Section 15–504

10 Annotated Code of Maryland

11 (2009 Replacement Volume and 2012 Supplement)

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

14 **Article – State Government**

15 15–504.

16 (a) (1) This subsection does not apply to members of the General
17 Assembly.

18 (2) Except as provided in paragraph (3) of this subsection, an official
19 or employee may not, for contingent compensation, assist or represent a party in any
20 matter before or involving any unit of the State or a political subdivision of the State.

21 (3) Paragraph (2) of this subsection does not apply to assistance to or
22 representation of a party:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) in a judicial or quasi-judicial proceeding, including a
2 proceeding before an administrative law judge in the Office of Administrative
3 Hearings, or a matter preliminary, incidental, or collateral to a judicial or
4 quasi-judicial proceeding; or

5 (ii) in a matter before or involving the Workers' Compensation
6 Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries
7 Compensation Board.

8 (b) (1) Except as provided in paragraph (2) of this subsection, a member of
9 the General Assembly may not, for compensation, assist or represent a party in any
10 matter before or involving any unit of the State or a political subdivision of the State.

11 (2) Paragraph (1) of this subsection does not apply to assistance to or
12 representation of a party:

13 (i) in matters relating to the performance of ministerial acts by
14 a governmental unit;

15 (ii) in matters involving the member's regular business,
16 employment, or profession, in which contact with a governmental unit:

17 1. is an incidental part of the business, employment, or
18 profession;

19 2. is made in the manner that is customary for persons
20 in that business, employment, or profession; and

21 3. is not for contingent compensation;

22 (iii) in a judicial or quasi-judicial proceeding, including a
23 proceeding before an administrative law judge in the Office of Administrative
24 Hearings, or a matter preliminary, incidental, or collateral to a judicial or
25 quasi-judicial proceeding;

26 (iv) in a matter before or involving the Workers' Compensation
27 Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries
28 Compensation Board; or

29 (v) in a matter in which the assistance or representation, other
30 than for contingent compensation, was commenced by the member of the General
31 Assembly before:

32 1. the member filed a certificate of candidacy for election
33 to the General Assembly at a time when the member was not an incumbent; or

1 2. if the member was appointed to fill a vacancy, the
2 date of appointment.

3 (c) (1) A member of the General Assembly may not assist or represent a
4 person, including himself or herself, for compensation before a State or local
5 governmental agency in any matter involving:

6 (i) procurement; or

7 (ii) the adoption of regulations.

8 (2) Paragraph (1) of this subsection does not apply to an
9 administrative proceeding conducted in accordance with Title 10, Subtitle 2
10 (Administrative Procedure Act — Contested Cases) of this article.

11 (d) (1) Except for a former member of the General Assembly, who shall be
12 subject to the restrictions provided under paragraph [(2)] (3) of this subsection, a
13 former official or employee may not assist or represent a party, other than the State,
14 in a case, contract, or other specific matter for compensation if:

15 (i) the matter involves State government; and

16 (ii) the former official or employee participated significantly in
17 the matter as an official or employee.

18 **(2) A FORMER OFFICIAL OR EMPLOYEE MAY NOT BE CONSIDERED**
19 **TO HAVE PARTICIPATED SIGNIFICANTLY IN A CONTRACT UNDER PARAGRAPH**
20 **(D)(1) OF THIS SUBSECTION, IF THE ETHICS COMMISSION DETERMINES THAT**
21 **THE FORMER OFFICIAL OR EMPLOYEE:**

22 **(I) DID NOT DEVELOP A REQUEST FOR PROPOSALS**
23 **RESULTING IN THE CONTRACT;**

24 **(II) DID NOT PARTICIPATE IN AN EVALUATION COMMITTEE**
25 **OR OTHER STATE ENTITY CHARGED WITH SELECTING A CONTRACTOR FOR THE**
26 **CONTRACT; AND**

27 **(III) PARTICIPATED ONLY BY PROVIDING SUPPORT OR**
28 **OTHER ASSISTANCE AS PART OF THE TRANSITION PROCESS FROM A STATE-RUN**
29 **OPERATION TO A PRIVATELY CONTRACTED OPERATION UNDER THE CONTRACT.**

30 **[(2)] (3)** (i) Except as provided in subparagraph (ii) of this
31 paragraph, until the conclusion of the next regular session that begins after the
32 member leaves office, a former member of the General Assembly may not assist or
33 represent another party for compensation in a matter that is the subject of legislative
34 action.

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

5 (e) Notwithstanding subsection (a)(3) of this section or § 15-502 of this
6 subtitle, a full-time official or employee in the Judicial Branch may not represent a
7 party before a court or unit of the Judicial Branch except in the discharge of official
8 duties.

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