

HOUSE BILL 143

G2

3lr1077

By: **Delegate O'Donnell**

Introduced and read first time: January 17, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Former Members of the General Assembly and Former Legislative Branch**
3 **Officials – Employment Restrictions**

4 FOR the purpose of altering provisions of the ethics law governing the period of time
5 during which certain former members of the General Assembly, and certain
6 former State officials or public officials of the Legislative Branch who had duties
7 substantially related to legislative matters and the General Assembly, are
8 prohibited from representing or assisting certain parties for compensation in
9 certain matters; making an exception concerning representation by a former
10 member of the General Assembly applicable to certain former State officials or
11 public officials of the Legislative Branch; and generally relating to the
12 employment of certain former members of the General Assembly and certain
13 former Legislative Branch officials by another party for compensation.

14 BY repealing and reenacting, with amendments,
15 Article – State Government
16 Section 15–504
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2012 Supplement)

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

21 **Article – State Government**

22 15–504.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

6 (i) in a judicial or quasi-judicial proceeding, including a
7 proceeding before an administrative law judge in the Office of Administrative
8 Hearings, or a matter preliminary, incidental, or collateral to a judicial or
9 quasi-judicial proceeding; or

10 (ii) in a matter before or involving the Workers' Compensation
11 Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries
12 Compensation Board.

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

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

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

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

22 1. is an incidental part of the business, employment, or
23 profession;

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

26 3. is not for contingent compensation;

27 (iii) in a judicial or quasi-judicial proceeding, including a
28 proceeding before an administrative law judge in the Office of Administrative
29 Hearings, or a matter preliminary, incidental, or collateral to a judicial or
30 quasi-judicial proceeding;

31 (iv) in a matter before or involving the Workers' Compensation
32 Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries
33 Compensation Board; or

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

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

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

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

11 (i) procurement; or

12 (ii) the adoption of regulations.

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

16 (d) (1) Except for a former member of the General Assembly **OR A**
17 **FORMER STATE OFFICIAL OR PUBLIC OFFICIAL OF THE LEGISLATIVE BRANCH**
18 **WHO HAD DUTIES SUBSTANTIALLY RELATED TO LEGISLATIVE MATTERS AND**
19 **THE GENERAL ASSEMBLY**, who shall be subject to the restrictions provided under
20 paragraph (2) of this subsection, a former official or employee may not assist or
21 represent a party, other than the State, in a case, contract, or other specific matter for
22 compensation if:

23 (i) the matter involves State government; and

24 (ii) the former official or employee participated significantly in
25 the matter as an official or employee.

26 (2) (i) Except as provided in subparagraph (ii) of this paragraph[,
27 until the conclusion of the next regular session that begins after the member leaves
28 office,]:

29 1. a former member of the General Assembly **WHO**
30 **LEAVES OFFICE AT THE END OF THE MEMBER'S TERM** may not assist or represent
31 another party for compensation in a matter that is the subject of legislative action
32 **UNTIL THE END OF THE NEXT REGULAR SESSION THAT BEGINS AFTER THE**
33 **MEMBER LEAVES OFFICE;**

1 **2. A FORMER MEMBER OF THE GENERAL ASSEMBLY**
2 **WHO LEAVES OFFICE DURING THE MEMBER'S TERM MAY NOT ASSIST OR**
3 **REPRESENT ANOTHER PARTY FOR COMPENSATION IN A MATTER THAT IS THE**
4 **SUBJECT OF LEGISLATIVE ACTION UNTIL THE SESSION THAT BEGINS AFTER THE**
5 **END OF THE TERM FOR WHICH THE FORMER MEMBER WAS ELECTED; AND**

6 **3. A FORMER STATE OFFICIAL OR PUBLIC OFFICIAL**
7 **OF THE LEGISLATIVE BRANCH WHO HAD DUTIES SUBSTANTIALLY RELATED TO**
8 **LEGISLATIVE MATTERS AND THE GENERAL ASSEMBLY MAY NOT ASSIST OR**
9 **REPRESENT ANOTHER PARTY FOR COMPENSATION IN A MATTER THAT IS THE**
10 **SUBJECT OF LEGISLATIVE ACTION UNTIL THE END OF THE NEXT REGULAR**
11 **SESSION THAT BEGINS AFTER THE OFFICIAL LEAVES THE LEGISLATIVE**
12 **BRANCH EMPLOYMENT.**

13 (ii) The limitation under subparagraph (i) of this paragraph on
14 representation by a former member of the General Assembly **OR BY A FORMER**
15 **STATE OFFICIAL OR PUBLIC OFFICIAL OF THE LEGISLATIVE BRANCH** does not
16 apply to the former member's **OR FORMER OFFICIAL'S OR PUBLIC OFFICIAL'S**
17 representation of a municipal corporation, county, or State governmental entity.

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

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