

(3) AS ALLOWED BY REGULATIONS ADOPTED BY THE COMMISSION, TO AN EMPLOYEE WHOSE GOVERNMENT DUTIES ARE MINISTERIAL, IF THE PRIVATE EMPLOYMENT OR FINANCIAL INTEREST DOES NOT CREATE A CONFLICT OF INTEREST OR THE APPEARANCE OF A CONFLICT OF INTEREST; OR

(4) TO A MEMBER OF A BOARD WHO HOLDS THE EMPLOYMENT OR INTEREST WHEN APPOINTED IF THE EMPLOYMENT OR INTEREST IS PUBLICLY DISCLOSED TO THE APPOINTING AUTHORITY, THE ETHICS COMMISSION, AND, IF APPLICABLE, THE SENATE OF MARYLAND BEFORE SENATE CONFIRMATION.

(D) EXEMPTION UNDER EXTRAORDINARY CIRCUMSTANCES.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE ETHICS COMMISSION MAY EXEMPT A PUBLIC OFFICIAL OF AN EXECUTIVE UNIT OR AN EMPLOYEE OF AN EXECUTIVE UNIT FROM THE PROHIBITIONS OF SUBSECTION (B) OF THIS SECTION IF THE ETHICS COMMISSION DETERMINES THAT:

(I) FAILURE TO GRANT THE EXEMPTION WOULD LIMIT THE ABILITY OF THE STATE TO:

1. RECRUIT AND HIRE HIGHLY QUALIFIED OR UNIQUELY QUALIFIED PROFESSIONALS FOR PUBLIC SERVICE; OR
2. ASSURE THE AVAILABILITY OF COMPETENT SERVICES TO THE PUBLIC; AND

(II) THE NUMBER OF EXEMPTIONS GRANTED UNDER THIS SUBSECTION HAS NOT TENDED TO ERODE THE PURPOSES OF SUBSECTION (B) OF THIS SECTION OR OTHER PROVISIONS OF THIS TITLE.

(2) (I) THE ETHICS COMMISSION MAY GRANT AN EXEMPTION UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY:

1. IN EXTRAORDINARY SITUATIONS; AND
2. UPON THE RECOMMENDATION OF THE GOVERNOR, AT THE REQUEST OF THE EXECUTIVE UNIT INVOLVED.

(II) THE ETHICS COMMISSION SHALL APPLY THIS SUBSECTION AS CONSISTENTLY AS POSSIBLE UNDER SIMILAR FACTS AND CIRCUMSTANCES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 40A, § 3-103(a).

In subsections (c)(4) and (d) of this section, the former phrase "subject to other provisions of law, including Title 3 of this article," is deleted as surplusage.

Subsection (d) of this section is made applicable only to public officials or employees "of an executive unit". This limitation is implicit in the requirement of former Art. 40A, § 3-103(a)(3) that an exemption be granted only "upon the request of the executive unit involved".