

When the Maryland Public Ethics Law was enacted in 1979, the General Assembly codified the ethics provisions of the House and Senate Rules. For policy reasons, the General Assembly followed the text of the Rules provisions almost verbatim, making only slight stylistic changes. In recognition of that 1979 policy decision, the Ethics Law Code Revision Committee has chosen to leave these provisions essentially unrevised.

The revised Maryland Public Ethics Law contains general definitions, applicable to the entire revised Title 15, that are derived with some alteration from the general definitions of former Art. 40A. The Ethics Law Code Revision Committee does not intend that the revised definitions be applied to this Part II in such a way as to affect the meaning of this Part.

15-510. APPLICABILITY.

THIS PART II APPLIES ONLY TO MEMBERS OF THE GENERAL ASSEMBLY.

REVISOR'S NOTE: This section is new language added to state the applicability of this Part.

Defined term: "General Assembly" § 15-102

[3-102.] 15-511. DISQUALIFICATION — PRESUMPTION OF CONFLICT.

(a) A personal interest of a member of the General Assembly conflicts with the public interest if it tends to impair the legislator's independence of judgment. The conflict disqualifies the legislator from voting upon any question or attempting to influence any legislation to which it relates.

(b) It is presumed that personal interest tends to impair a legislator's independence of judgment in any of the following circumstances:

(1) Having or acquiring a direct interest, distinct from that of the general public, in an enterprise which would be affected by the legislator's vote on proposed legislation.

(2) Benefiting financially from a close economic association with a person whom the legislator knows, or from the facts is presumed to know, has a direct interest in an enterprise or interest which would be affected by the legislator's vote on proposed legislation, differently from other like enterprises or interests; or benefiting financially from a close economic association with a person who is lobbying or who has employed a lobbyist to propose legislation or to influence legislators' votes. "Close economic association" includes and refers to the legislator's employer, employees, and partners in business and professional enterprises; partnerships in which the legislator has invested capital or owns any interest; corporations in which the legislator owns (not including any stock owned directly through a mutual fund, retirement plan, or other similar commingled investment vehicle the individual investments of which the legislator does not control or manage) the lesser of 10 percent or more of the outstanding capital stock or capital stock of any corporation with a cumulative value of \$10,000 or more; and corporations in which the legislator is an officer, director, or agent.