

Annotated Code of Maryland
(1990 Replacement Volume)

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

Article 40A – Maryland Public Ethics Law

3-103.

(a) (1) Except as permitted by regulation of the Commission where such interest is disclosed or where such employment does not create a conflict of interest or appearance of conflict, an official or employee, except a member of the General Assembly, may not:

(i) Be employed by, or have a financial interest in, any entity subject to the authority of that official or employee or of the government agency with which he is affiliated or any entity which is negotiating or has entered a contract with that government agency; or

(ii) Hold any other employment relationship which would impair the impartiality and the independence of judgment of the official or employee.

(2) This prohibition does not apply to:

(i) A public official who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to it;

(ii) 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, as permitted and in accordance with rules and regulations adopted by the Commission; or

(iii) Subject to other provisions of law, including Title 3 of this article, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided it is publicly disclosed to the appointing authority, the Commission, and, in instances where confirmation is required, to the Senate prior to confirmation.

(3) In extraordinary situations, as consistently as possible under similar facts and circumstances and subject to other provisions of law, including Title 3 of this article, the Commission may exempt a public official or employee from the prohibition of paragraph (1) of this subsection if the Commission, based upon the recommendation of the Governor upon request of the executive agency involved, concludes that:

(i) Failure to grant the exemption would reduce the ability of the State to:

1. Recruit and hire highly or uniquely qualified professional individuals for public service; or