# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

**Legislative Document** **No. 6**

H.P. 9 House of Representatives, January 7, 2015

**Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees**

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Reported by Representative KRUGER of Thomaston for the Government Oversight Committee pursuant to the Maine Revised Statutes, Title 3, section 997, subsection 2.

Reference to the Committee on State and Local Government suggested and ordered printed pursuant to Joint Rule 218.

Rlt B. Hunt

ROBERT B. HUNT
Clerk

Printed on recycled paper

**Sec. 1. Consolidation of ethics standards for state employees. Resolved:** That the Department of Administrative and Financial Services, referred to in this resolve as "the department," shall develop a consolidated code of ethics and conduct for state employees, referred to in this resolve as "the code," along with legislation required to implement the code. As used in this resolve, "state employee" means any regular classified or unclassified officer or employee of the executive branch.

In developing the code, the department shall incorporate, as appropriate:

1. Recommendations contained in "Report on Ethics Laws for Executive Branch Employees" prepared by the Commission on Governmental Ethics and Election Practices and published in December 2009;

2. Standards of ethics and conduct that exist in statute, executive order, the state administrative and accounting manual and state agency policies, including standards for information technology use and personnel policies;

3. Standards to address ethical situations not addressed in the existing standards, including but not limited to gifts, personal and business relationships affecting impartiality, post-state employment, use of government property and conflicting outside employment and activities;

4. Standards regarding employee ethics and guidance adopted for employees of the Federal Government and other states; and

5. Input from the Commission on Governmental Ethics and Election Practices and other relevant organizations with expertise in the development and maintenance of ethics policies and standards; and be it further

**Sec. 2. Code training and communications. Resolved:** That the department shall develop and implement a training and communications plan to increase the awareness and accountability of state employees regarding the code. The plan must provide for clear and regular communications to state employees; accessible formal and informal guidance documents, including plain language explanations; and ongoing training opportunities for state employees. The department shall consider incorporating in the plan a mechanism for periodic confirmation of awareness of the standards in the code by individual state employees. The plan must be developed in conformity with the applicable recommendations contained in "Report on Ethics Laws for Executive Branch Employees" prepared by the Commission on Governmental Ethics and Election Practices and published in December 2009; and be it further

**Sec. 3. Code guidance and reporting avenues. Resolved:** That the department shall establish and implement clear avenues and procedures for state employees to seek guidance regarding the code and to report potential violations of the code. The procedures must include provisions for confidential reporting; and be it further

**Sec. 4. Report. Resolved:** That the department shall submit an interim report to the Government Oversight Committee no later than October 1, 2015 describing the status of the work undertaken to that date pursuant to this resolve. The report must include, but

is not limited to, a timeline that establishes specific dates for completion of work required by the resolve. The department shall submit a final report documenting its work pursuant to this resolve, together with implementing legislation, to the Government Oversight Committee and the Joint Standing Committee on State and Local Government not later than December 1, 2015. The Government Oversight Committee is authorized to submit legislation related to the report to the Second Regular Session of the 127th Legislature; and be it further

**Sec. 5. Recommendation for legislative branch. Resolved:** That the Government Oversight Committee, based on the final report provided to the committee by the department pursuant to section 4, may recommend a similar consolidated code of ethics and conduct and related procedures to the Legislative Council for use by the Legislature.

## SUMMARY

This resolve implements the recommendations of the Government Oversight Committee stemming from 2 reports of the Office of Program Evaluation and Government Accountability: "Public Utilities Commission" and "Healthy Maine Partnerships' FY13 Contracts and Funding." The resolve directs the Department of Administrative and Financial Services to take certain steps to strengthen the ethics standards and practices for executive branch employees by developing a consolidated code based in part on recommendations contained in a December 2009 report to the Legislature from the Commission on Governmental Ethics and Election Practices entitled "Report on Ethics Laws for Executive Branch Employees." This resolve also requires the department to implement procedures for employees to seek guidance on ethics and to report potential ethics violations. The committee also is authorized to recommend to the Legislative Council a similar code of ethics and conduct for use by the Legislature.

Approved: 03/23/15 mac

# 127th MAINE LEGISLATURE

**LD 6** **LR 323(02)**

**Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees**

**Fiscal Note for Bill as Amended by Committee Amendment " "**
**Committee: State and Local Government**
**Fiscal Note Required: Yes**

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## Fiscal Note

| | FY 2015-16 | FY 2016-17 | Projections FY 2017-18 | Projections FY 2018-19 |
|---|---|---|---|---|
| **Net Cost (Savings)** | | | | |
| General Fund | $495,307 | $660,697 | $413,485 | $425,143 |
| **Appropriations/Allocations** | | | | |
| General Fund | $495,307 | $660,697 | $413,485 | $425,143 |

**Fiscal Detail and Notes**

The Department of Administrative and Financial Services has identified the need for additional General Fund appropriations for 5 positions and associated costs to implement recommendations of the Government Oversight Committee related to ethics practices and procedures for executive branch employees. The bill includes appropriations of $495,307 in fiscal year 2015-16 and $660,697 in fiscal year 2016-17.

Any additional costs to the Commission on Governmental Ethics and Election practices are expected to be minor and can be absorbed within existing budgeted resources.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Administration - Human Resources 0038**

Initiative: Provides funds for one limited-period Planning and Reseach Associate II position through fiscal year 2016-17, one Field Investigator position, one limited-period Staff Development Specialist position through fiscal year 2016-17, one Staff Development Coordinator position, one limited-period Staff Development Specialist IV position through fiscal year 2016-17 and 3 Staff Development Specialist IV positions and related All Other costs.

| **GENERAL FUND** | **2015-16** | **2016-17** |
|---|---|---|
| POSITIONS - LEGISLATIVE COUNT | 5.000 | 5.000 |
| Personal Services | $455,483 | $620,873 |
| All Other | $39,824 | $39,824 |
| GENERAL FUND TOTAL | $495,307 | $660,697 |

| **ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS** | **2015-16** | **2016-17** |
|---|---|---|
| **GENERAL FUND** | **$495,307** | **$660,697** |
| **DEPARTMENT TOTAL - ALL FUNDS** | **$495,307** | **$660,697** |