

SENATE BILL 315

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By: **Senators Raskin, Peters, Miller, Astle, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Glassman, Harrington, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Muse, Pinsky, Rosapepe, and Stone**

Introduced and read first time: January 27, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2010

CHAPTER _____

1 AN ACT concerning

2 **Public Ethics Laws – Elected Local Officials and Board of Education**
3 **Members – Requirements**

4 FOR the purpose of requiring certain local ethics commissions or other appropriate
5 entities to certify to the State Ethics Commission compliance with certain
6 provisions of law relating to elected local officials on or before a certain date
7 each year; requiring certain conflict of interest and financial disclosure
8 provisions for elected local officials enacted by a county or municipal corporation
9 to be equivalent to or exceed certain requirements under certain provisions of
10 law; requiring that certain financial disclosure statements be filed by a certain
11 date each year; requiring, instead of authorizing, local school boards to adopt
12 certain conflict of interest and financial disclosure provisions for members of
13 the school board; requiring certain regulations enacted by a local school board to
14 be equivalent to or exceed certain requirements under certain provisions of law;
15 and generally relating to public ethics laws for elected local officials and
16 members of boards of education.

17 BY repealing and reenacting, with amendments,
18 Article – State Government
19 Section 15–803, 15–804, 15–805, 15–812, and 15–813
20 Annotated Code of Maryland
21 (2009 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – State Government**

4 15–803.

5 (A) ~~Each~~ **SUBJECT TO § 15–209 OF THIS TITLE, EACH** county and each
6 municipal corporation shall enact provisions to govern the public ethics of local
7 officials relating to:

- 8 (1) conflicts of interest;
- 9 (2) financial disclosure; and
- 10 (3) lobbying.

11 (B) **EACH LOCAL ETHICS COMMISSION OR APPROPRIATE ENTITY SHALL**
12 **CERTIFY TO THE ETHICS COMMISSION THAT THE COUNTY OR MUNICIPAL**
13 **CORPORATION IS IN COMPLIANCE WITH THE REQUIREMENTS FOR ELECTED**
14 **LOCAL OFFICIALS OF THIS PART I ON OR BEFORE OCTOBER 1 OF EACH YEAR.**

15 15–804.

16 (A) [The] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
17 **THE** conflict of interest provisions enacted by a county or municipal corporation under
18 § 15–803 of this subtitle shall be similar to the provisions of Subtitle 5 of this title, but
19 may be modified to the extent necessary to make the provisions relevant to the
20 prevention of conflicts of interest in that jurisdiction.

21 (B) **THE CONFLICT OF INTEREST PROVISIONS FOR ELECTED LOCAL**
22 **OFFICIALS ENACTED BY A COUNTY OR MUNICIPAL CORPORATION UNDER §**
23 **15–803 OF THIS SUBTITLE SHALL BE EQUIVALENT TO OR EXCEED THE**
24 **REQUIREMENTS OF SUBTITLE 5 OF THIS TITLE, BUT MAY BE MODIFIED TO THE**
25 **EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THE PREVENTION**
26 **OF CONFLICTS OF INTEREST IN THAT JURISDICTION.**

27 15–805.

28 (a) (1) In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**
29 **INDICATED.**

30 (2) **“ELECTED LOCAL OFFICIAL” INCLUDES:**

1 **(I) ANY INDIVIDUAL WHO HOLDS AN ELECTIVE OFFICE OF A**
2 **COUNTY OR MUNICIPAL CORPORATION; AND**

3 **(II) A CANDIDATE FOR ELECTIVE OFFICE AS A LOCAL**
4 **OFFICIAL OF A COUNTY OR MUNICIPAL CORPORATION.**

5 **(3) [“local] “LOCAL official” includes[:**

6 (1) a candidate for elective office as a local official of a county or
7 municipal corporation if the holder of the office is designated as a local official; and

8 (2)] an individual, designated as a local official, whose position is
9 funded wholly or partly by the State.

10 (b) **(1) Except as provided in PARAGRAPH (2) OF THIS SUBSECTION**
11 **AND** subsection (c) of this section, the financial disclosure provisions enacted by a
12 county or municipal corporation under § 15–803 of this subtitle shall be similar to the
13 provisions of Subtitle 6 of this title, but shall be modified to the extent necessary to
14 make the provisions relevant to the prevention of conflicts of interest in that
15 jurisdiction.

16 **(2) THE FINANCIAL DISCLOSURE PROVISIONS FOR ELECTED**
17 **LOCAL OFFICIALS ENACTED BY A COUNTY OR MUNICIPAL CORPORATION UNDER**
18 **§ 15–803 OF THIS SUBTITLE SHALL BE EQUIVALENT TO OR EXCEED THE**
19 **REQUIREMENTS OF SUBTITLE 6 OF THIS TITLE, BUT SHALL BE MODIFIED TO**
20 **THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THE**
21 **PREVENTION OF CONFLICTS OF INTEREST IN THAT JURISDICTION.**

22 (c) (1) This subtitle does not compel the governing body of a county or
23 municipal corporation to require a local official to file a financial disclosure statement
24 except:

25 (i) when the personal interest of the local official will present a
26 potential conflict with the public interest in connection with an anticipated public
27 action of the local official; and

28 (ii) at least annually to report on gifts received by the local
29 official.

30 (2) The provisions shall require:

31 **(I) that a statement filed under paragraph (1)(i) of this**
32 **subsection be filed sufficiently in advance of the action to provide adequate disclosure**
33 **to the public; AND**

1 **(II) A STATEMENT FILED BY AN ELECTED LOCAL OFFICIAL**
2 **UNDER SUBSECTION (B)(2) OF THIS SECTION TO BE FILED ON OR BEFORE APRIL**
3 **30 OF EACH YEAR.**

4 (d) Financial disclosure provisions applicable to a candidate shall be
5 consistent with the provisions applicable to an incumbent holding the office involved.

6 15–812.

7 (a) **[A] IN ACCORDANCE WITH THIS SECTION, A school board:**

8 **(1)** may adopt conflict of interest regulations applicable [to members
9 of the school board and] to officials and employees of the school system [in accordance
10 with this section]; **AND**

11 **(2) SHALL ADOPT CONFLICT OF INTEREST REGULATIONS**
12 **APPLICABLE TO MEMBERS OF THE SCHOOL BOARD.**

13 (b) **(1)** The conflict of interest regulations adopted by a school board under
14 subsection (a)**(1)** of this section shall be similar to the provisions of Subtitle 5 of this
15 title, but may be modified to the extent necessary to make the regulations relevant to
16 the prevention of conflicts of interest in that school system.

17 **(2) THE CONFLICT OF INTEREST REGULATIONS ADOPTED BY A**
18 **SCHOOL BOARD UNDER SUBSECTION (A)(2) OF THIS SECTION SHALL BE**
19 **EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 5 OF THIS**
20 **TITLE, BUT MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE**
21 **REGULATIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN**
22 **THAT SCHOOL SYSTEM.**

23 (c) Unless a school board adopts and maintains conflict of interest
24 regulations under **SUBSECTION (A)(1) OF** this [subtitle] **SECTION**, the provisions
25 enacted by the county under § 15–804 of this subtitle shall apply to [the members of
26 the school board and to] officials and employees of that school system.

27 15–813.

28 (a) **(1) [A] IN ACCORDANCE WITH THIS SECTION, A school board:**

29 **(I)** may adopt financial disclosure regulations applicable to
30 [members of the school board and to] officials and employees of that school system [in
31 accordance with this section]; **AND**

32 **(II) SHALL ADOPT FINANCIAL DISCLOSURE REGULATIONS**
33 **APPLICABLE TO MEMBERS OF THE SCHOOL BOARD.**

1 (2) (i) The regulations adopted under paragraph (1)(I) of this
2 subsection shall apply to:

3 [1. each member of the school board;

4 2. if the school board is an elected board under Title 3,
5 Subtitle 1, Part III of the Education Article, each candidate for election to the school
6 board;]

7 [3.] 1. the superintendent of that school system; and

8 [4.] 2. subject to subparagraph [(ii)] (III) of this
9 paragraph, those other officials and employees of that school system designated by the
10 school board.

11 **(II) THE REGULATIONS ADOPTED UNDER PARAGRAPH**
12 **(1)(II) OF THIS SUBSECTION SHALL APPLY TO:**

13 **1. EACH MEMBER OF THE SCHOOL BOARD; AND**

14 **2. IF THE SCHOOL BOARD IS AN ELECTED BOARD**
15 **UNDER TITLE 3, SUBTITLE 1, PART III OF THE EDUCATION ARTICLE, EACH**
16 **CANDIDATE FOR ELECTION TO THE SCHOOL BOARD.**

17 [(ii)] (III) The regulations may not apply to a classroom teacher
18 unless the teacher has additional duties, not normally expected of classroom teachers,
19 that cause the teacher for other reasons to be covered by the financial disclosure
20 regulations.

21 (b) (1) Except as provided in subsection (c) of this section, the regulations
22 adopted under subsection (a)(1)(I) of this section shall be similar to the provisions of
23 Subtitle 6 of this title, but may be modified to the extent necessary to make the
24 regulations relevant to the prevention of conflicts of interest in that school system.

25 **(2) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1)(II)**
26 **OF THIS SECTION SHALL BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS**
27 **OF SUBTITLE 6 OF THIS TITLE, BUT MAY BE MODIFIED TO THE EXTENT**
28 **NECESSARY TO MAKE THE REGULATIONS RELEVANT TO THE PREVENTION OF**
29 **CONFLICTS OF INTEREST IN THAT SCHOOL SYSTEM.**

30 (c) (1) (I) This [section] PARAGRAPH does not compel a school board
31 to require an individual to file a financial disclosure statement except:

1 [(i)] 1. when the personal interest of the individual will
 2 present a potential conflict with the public interest in connection with an anticipated
 3 public action of the individual; and

4 [(ii)] 2. at least annually to report on gifts received by the
 5 individual.

6 [(2)] (II) The regulations **ADOPTED UNDER SUBSECTION (A)(1)(I)**
 7 **OF THIS SECTION** shall require that a statement filed under [paragraph (1)(i)]
 8 **SUBPARAGRAPH (I)1** of this [subsection] **PARAGRAPH** be filed sufficiently in
 9 advance of the public action to provide adequate disclosure to the public.

10 (2) **THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1)(II)**
 11 **OF THIS SECTION SHALL REQUIRE THAT A STATEMENT FILED BY A MEMBER OF A**
 12 **BOARD OF EDUCATION BE FILED ON OR BEFORE APRIL 30 OF EACH YEAR.**

13 (d) [Unless] **EXCEPT AS PROVIDED FOR A MEMBER OF A BOARD OF**
 14 **EDUCATION UNDER THIS PART II, UNLESS** a school board adopts and maintains
 15 financial disclosure regulations under this subtitle, the provisions enacted by the
 16 county under § 15–805 of this subtitle shall apply to:

17 (1) [each member of the school board;

18 (2)] the superintendent of that school system; and

19 [(3)] (2) the other officials and employees of the school system that
 20 the governing body of that county designates.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 22 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.