

HB1397/680416/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1397
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike lines 2 and 3 in their entirety and substitute “Public Ethics – Public Officials, Local Governments, and Lobbyists – Training, Reporting, and Enforcement”; in line 4, after “purpose of” insert “requiring the State Ethics Commission to adopt certain model ethics provisions for school boards; providing that a model provision may be adopted by or imposed on a school board under certain circumstances; repealing a requirement that a certain regulated lobbyist attend a certain training course in a certain time period;”; in line 6, after the semicolon, insert “prohibiting the Department of Legislative Services from posting certain information on the Internet; requiring that a regulated lobbyist complete a certain training course in a certain period; requiring an individual who was a public official and registers as a regulated lobbyist in a certain time period to seek certain advice from the State Ethics Commission; authorizing the State Ethics Commission, after making a certain determination, to issue a certain order directing a county or municipal corporation to comply with certain provisions of the Public Ethics Law; authorizing the State Ethics Commission, after making a certain determination, to issue a certain order directing a school board to comply with certain provisions of the Public Ethics Law; authorizing the State Ethics Commission to petition a certain circuit court to compel a school board to comply with certain requirements; altering the duties, reporting requirements, and termination date of a certain workgroup established to study public ethics;”; strike beginning with “reporting” in line 6 down through “Assembly” in line 7 and substitute “public ethics, public officials, local governments, and lobbyists”; in line 10, strike “15-513(b)” and substitute “15-205(b) and (e), 15-513(b) and (d), and 15-808”; in line 15, after “Section 15-513(c) and (d)” insert “and 15-607(h) and (i)”; and after line 17, insert:

“BY adding to

(Over)

Article - State Government
Section 15-716, 15-717, and 15-816
Annotated Code of Maryland
(2009 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Chapter 620 of the Acts of the General Assembly of 2012
Section 2 and 3”.

AMENDMENT NO. 2

On page 1, after line 20, insert:

“15-205.

(b) (1) The Ethics Commission shall adopt by regulation model provisions for local governments AND SCHOOL BOARDS that relate to:

- (i) conflicts of interest;
- (ii) financial disclosure; and
- (iii) regulation of lobbying.

(2) Model provisions adopted under paragraph (1) of this subsection may be:

- (i) adopted by any local jurisdiction OR SCHOOL BOARD; or
- (ii) in accordance with Subtitle 8 of this title, imposed on a local jurisdiction OR SCHOOL BOARD.

(e) (1) [(i)] The Ethics Commission shall provide a training course for regulated lobbyists and prospective regulated lobbyists at least twice each year regarding the provisions of the Maryland Public Ethics Law relevant to regulated lobbyists. One such course shall be conducted in the month of January.

[(ii) A regulated lobbyist, other than the employer of a regulated lobbyist as described in § 15-701(a)(6) of this title, shall attend a training course provided under subparagraph (i) of this paragraph at least once in any 2-year period during which a lobbyist has registered with the Ethics Commission.]

(2) At the time of a person's initial registration as a regulated lobbyist, the Ethics Commission shall provide the person with information relating to the provisions of the Maryland Public Ethics Law relevant to regulated lobbyists."

AMENDMENT NO. 3

On page 2, strike beginning with "THE" in line 26 down through "**§ 15-607(I)**" in line 29 and substitute "**FOR THE LEGISLATOR AND THE LEGISLATOR'S SPOUSE, THE INFORMATION REQUIRED UNDER § 15-607(H) AND (I)**".

On page 3, in line 13, after "to" insert ":

(I);

and in line 14, after "section" insert "**;** **OR**

(II) AN ADDRESS FOR AN EMPLOYER OR BUSINESS ENTITY OF A SPOUSE REPORTED UNDER SUBSECTION (B)(1)(VI) OF THIS SECTION".

AMENDMENT NO. 4

On page 3, after line 14, insert:

“15-607.

(h) The statement shall include a schedule listing the members of the immediate family of the individual who were employed by the State in any capacity at any time during the applicable period.

(i) (1) Except as provided in paragraph (2) of this subsection, the statement shall include a schedule listing the name and address of each:

(i) place of salaried employment, including secondary employment, of the individual or a member of the individual’s immediate family at any time during the applicable period; and

(ii) business entity of which the individual or a member of the individual’s immediate family was a sole or partial owner, and from which the individual or family member received earned income, at any time during the applicable period.

(2) The statement may not include a listing of a minor child’s employment or business entities of which the child is sole or partial owner, unless the place of employment or the business entity:

(i) is subject to the regulation or authority of the agency that employs the individual; or

(ii) has contracts in excess of \$10,000 with the agency that employs the individual.

15-716.

A REGULATED LOBBYIST, OTHER THAN THE EMPLOYER OF A REGULATED LOBBYIST AS DESCRIBED IN § 15-701(A)(6) OF THIS TITLE, SHALL COMPLETE A

TRAINING COURSE PROVIDED UNDER § 15-205(E)(1) OF THIS TITLE AT LEAST ONCE IN EACH YEAR DURING WHICH THE LOBBYIST IS REGISTERED WITH THE ETHICS COMMISSION.

15-717.

(A) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO WAS A PUBLIC OFFICIAL ONLY AS AN UNCOMPENSATED MEMBER OF A STATE BOARD OR COMMISSION.

(B) WITHIN 45 DAYS OF INITIALLY REGISTERING AS A REGULATED LOBBYIST AFTER BEING A PUBLIC OFFICIAL, AN INDIVIDUAL WHO WAS A PUBLIC OFFICIAL IN THE EXECUTIVE OR LEGISLATIVE BRANCH AT ANY POINT IN THE PRIOR 2 YEARS SHALL SEEK ADVICE FROM THE ETHICS COMMISSION REGARDING THE APPLICATION OF THE PUBLIC ETHICS LAW TO THE INDIVIDUAL.

15-808.

(a) If the Ethics Commission determines that a county or municipal corporation has not complied with AND HAS NOT MADE GOOD-FAITH EFFORTS TOWARD COMPLIANCE WITH the requirements of this Part I, the Ethics Commission:

(1) MAY ISSUE AN ORDER DIRECTING THE COUNTY OR MUNICIPAL CORPORATION TO COMPLY WITH THIS PART I, INCLUDING A LISTING OF SPECIFIC AREAS OF NONCOMPLIANCE; AND

(2) may petition a circuit court with venue over the proceeding for appropriate relief to compel compliance.

(Over)

- (b) The circuit court may grant any available equitable relief.

15-816.

(A) IF THE ETHICS COMMISSION DETERMINES THAT A SCHOOL BOARD HAS NOT COMPLIED WITH AND HAS NOT MADE GOOD-FAITH EFFORTS TOWARD COMPLIANCE WITH THE REQUIREMENTS OF THIS PART II, THE ETHICS COMMISSION:

(1) MAY ISSUE AN ORDER DIRECTING THE SCHOOL BOARD TO COMPLY WITH THIS PART II, INCLUDING A LISTING OF SPECIFIC AREAS OF NONCOMPLIANCE; AND

(2) MAY PETITION A CIRCUIT COURT WITH VENUE OVER THE PROCEEDING FOR APPROPRIATE RELIEF TO COMPEL COMPLIANCE.

(B) THE CIRCUIT COURT MAY GRANT ANY AVAILABLE EQUITABLE RELIEF.

Chapter 620 of the Acts of 2012

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The President of the Senate of Maryland and the Speaker of the Maryland House of Delegates jointly shall establish a workgroup [during the 2012 interim] to perform a comprehensive and coordinated review of the disclosure requirements of the Maryland Public Ethics Law as it applies to State and local governments.

(b) The President and the Speaker may appoint to the workgroup in their discretion:

- (1) members of the General Assembly;
- (2) representatives of the Maryland State Ethics Commission;
- (3) representatives of State, county, and municipal governments;
- (4) representatives of private sector agencies that promote and encourage government accountability;
- (5) representatives of public sector employees' unions; and
- (6) any other interested party.

(c) The workgroup shall:

- (1) review current methods used to provide access to public ethics disclosures and consider any alternative methods that could be made available to citizens and interested parties to more easily access public ethics disclosures;
- (2) consider options for verifiable notification of electronic or postal access into a public ethics disclosure to be made to the person who is the subject of the inquiry;
- (3) consider the feasibility and desirability of requiring different levels of public ethics disclosure for different categories of persons based on the person's position of authority and policy making duties;
- (4) review the information that is currently required to be disclosed and determine:

(Over)

(i) additional information that should be required to be disclosed; and

(ii) information that is currently disclosed that no longer needs to be disclosed;

(5) consider the implications of current and any proposed disclosure requirements under the Maryland Public Ethics Law on counties and municipal corporations;

(6) review the composition, duties, and procedures of the Joint Ethics Committee;

(7) review any other aspect of the disclosure requirements [under] AND ADMINISTRATION OF the Maryland Public Ethics Law; and

(8) on or before December 31, [2012] 2014, submit, in accordance with § 2-1246 of the State Government Article, any recommended legislation [for the 2013 regular session] to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2012. Section 2 of this Act shall remain effective for a period of [1 year] 3 YEARS and, at the end of [May 31, 2013] MAY 31, 2015, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.”.

AMENDMENT NO. 5

On page 3, in line 16, strike “October” and substitute “June”.