

HOUSE BILL 222

G2, P5
HB 273/12 – ENV

3lr0576

By: **Delegates Rosenberg and Lafferty**
Introduced and read first time: January 21, 2013
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Disclosure of Financial Interests**

3 FOR the purpose of requiring a member of the General Assembly who is required
4 under the Maryland Public Ethics Law to disclose publicly certain information
5 to disclose the same information to a governmental entity in the State if the
6 legislator engages in certain business–related communication with an official or
7 employee of the governmental entity; specifying the manner of disclosure to the
8 governmental entity; and generally relating to disclosure of possible conflicts of
9 interest by members of the General Assembly.

10 BY repealing and reenacting, without amendments,
11 Article – State Government
12 Section 15–513(b)(1)(i) and 15–607(a), (f), (i), and (k)
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2012 Supplement)

15 BY adding to
16 Article – State Government
17 Section 15–513(c)
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2012 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – State Government
22 Section 15–513(c) and (d)
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2012 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Government**

2 15–513.

3 (b) (1) A legislator shall report the following information in writing to the
4 Joint Ethics Committee at the times and in the manner required by the Joint Ethics
5 Committee:

6 (i) subject to paragraph (2) of this subsection, if representing a
7 person for compensation before a State or local government agency, except in a judicial
8 proceeding or in a quasi-judicial proceeding, the name of the person represented, the
9 services performed, and the consideration. The Joint Ethics Committee may adopt
10 procedures to keep confidential the name of the person represented if that information
11 is privileged or confidential pursuant to any provision of law governing proceedings
12 before that State agency.

13 **(C) (1) IF A LEGISLATOR COMMUNICATES WITH AN OFFICIAL OR AN**
14 **EMPLOYEE OF A GOVERNMENTAL ENTITY IN THE STATE ON BEHALF OF A**
15 **PERSON, AND THE REPRESENTATION IS SUBJECT TO OR REQUIRES DISCLOSURE**
16 **UNDER SUBSECTION (B)(1)(I) OF THIS SECTION OR § 15–607(F) OR (I) OF THIS**
17 **TITLE, THE LEGISLATOR SHALL REPORT TO THE GOVERNMENTAL ENTITY THE**
18 **INFORMATION REQUIRED TO BE DISCLOSED TO THE JOINT ETHICS COMMITTEE**
19 **OR THE STATE ETHICS COMMISSION.**

20 **(2) A REPORT TO A GOVERNMENTAL ENTITY UNDER PARAGRAPH**
21 **(1) OF THIS SUBSECTION SHALL BE:**

22 **(I) IN WRITING;**

23 **(II) SUBMITTED BEFORE OR AT THE SAME TIME AS THE**
24 **COMMENCEMENT OF THE COVERED COMMUNICATION WITH THE OFFICIAL OR**
25 **EMPLOYEE; AND**

26 **(III) FILED WITH:**

27 **1. THE HIGHEST RANKING OFFICIAL OF THE**
28 **GOVERNMENTAL ENTITY; AND**

29 **2. THE OFFICE OF THE OFFICIAL OR EMPLOYEE**
30 **WITH WHOM THE LEGISLATOR COMMUNICATES.**

31 **[(c)] (D)** All reports filed under this section shall be:

32 (1) filed electronically on a form required by the Joint Ethics
33 Committee; and

1 (2) maintained as a matter of public record as required in subsection
2 **[(d)] (E)** of this section.

3 **[(d)] (E)** (1) The Department of Legislative Services shall:

4 (i) compile the reports filed **WITH THE JOINT ETHICS**
5 **COMMITTEE** under this section;

6 (ii) make the reports **FILED WITH THE JOINT ETHICS**
7 **COMMITTEE** available for public inspection as provided in the Public Information Act;
8 and

9 (iii) as to reports filed **WITH THE JOINT ETHICS COMMITTEE**
10 on or after January 1, 2013, and except as provided in paragraph (2) of this subsection,
11 make the reports freely available to the public on the Internet through an online
12 registration program.

13 (2) The Department of Legislative Services may not post on the
14 Internet information related to consideration received that is reported under
15 subsection (b) of this section.

16 15-607.

17 (a) A statement that is required by § 15-601(a) of this subtitle shall contain
18 schedules disclosing the information and interests specified in this section, if known,
19 for the individual making the statement for the applicable period under this subtitle.

20 (f) (1) The statement shall include, as specified in this subsection, a
21 schedule of all offices, directorships, and salaried employment, or any similar interest
22 not otherwise disclosed, in business entities doing business with the State.

23 (2) This subsection applies to positions and interests held at any time
24 during the applicable period by:

25 (i) the individual; or

26 (ii) any member of the individual's immediate family.

27 (3) For each position or interest reported, this schedule shall include:

28 (i) the name and address of the principal office of the business
29 entity;

30 (ii) the nature of the position or interest and the date it
31 commenced;

1 (iii) the name of each governmental unit with which the entity is
2 doing business; and

3 (iv) the nature of the business with the State, which, at a
4 minimum, shall be specified by reference to the applicable criteria of doing business
5 described in § 15–102(j) of this title.

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

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

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

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

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

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

22 (k) To the extent not reported under subsections (a) through (j) of this
23 section, a statement filed by a member of the General Assembly shall include:

24 (1) the information required under § 15–513(b) of this title; and

25 (2) an acknowledgment, signed by the member, that any information,
26 required under § 15–513(b) of this title, that becomes reportable after the statement is
27 filed shall be reported immediately to the Joint Ethics Committee as required by
28 § 15–513(b) of this title.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2013.