

SENATE BILL 91

G2

4lr0025

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Ethics Commission, State)**

Requested: September 30, 2013

Introduced and read first time: January 8, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 31, 2014

CHAPTER _____

1 AN ACT concerning

2 **State Ethics Commission – Local Governments and School Boards –**
3 **Compliance Enforcement**

4 FOR the purpose of requiring the State Ethics Commission to adopt certain model
5 provisions for school boards; providing that a certain model provision may be
6 adopted by or imposed on a school board under certain circumstances;
7 authorizing the State Ethics Commission, after making a certain determination,
8 to issue a certain order directing a county or municipal corporation or school
9 board to comply with certain provisions of the Public Ethics Law; authorizing
10 the State Ethics Commission to petition a certain circuit court to compel a
11 school board to comply with certain provisions of the Public Ethics Law; and
12 generally relating to the State Ethics Commission and local governments and
13 school boards.

14 ~~BY repealing and reenacting, with amendments,~~
15 ~~Article – State Government~~
16 ~~Section 15-205(b) and 15-808~~
17 ~~Annotated Code of Maryland~~
18 ~~(2009 Replacement Volume and 2013 Supplement)~~

19 ~~BY adding to~~
20 ~~Article – State Government~~
21 ~~Section 15-816~~

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.



~~Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5–205(b) and 5–812

Annotated Code of Maryland

(As enacted by Chapter (H.B. 270) of the Acts of the General Assembly of
2014)

BY adding to

Article – General Provisions

Section 5–820

Annotated Code of Maryland

(As enacted by Chapter (H.B. 270) of the Acts of the General Assembly of
2014)

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

~~Article – State Government~~

~~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.~~

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

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

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

7 Article – General Provisions

8 5–205.

9 (b) (1) The Ethics Commission shall adopt by regulation model provisions
 10 for local governments AND SCHOOL BOARDS on:

11 (i) conflicts of interest;

12 (ii) financial disclosure; and

13 (iii) regulation of lobbying.

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

16 (i) adopted by any local jurisdiction OR SCHOOL BOARD; or

17 (ii) imposed on a local jurisdiction OR SCHOOL BOARD in
 18 accordance with Subtitle 8 of this title.

19 5–812.

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

23 (1) MAY ISSUE A PUBLIC NOTICE CONCERNING THE FAILURE OF
 24 COMPLIANCE WITH THIS PART, INCLUDING A LISTING OF SPECIFIC AREAS OF
 25 NONCOMPLIANCE; AND

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

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

29 ~~15–816~~ 5–820.

1 (A) IF THE ETHICS COMMISSION DETERMINES THAT A SCHOOL BOARD,
 2 AS REQUIRED UNDER § ~~15-812(A)(2)~~ 5-816(A)(2) OF THIS SUBTITLE, HAS NOT
 3 COMPLIED WITH AND HAS NOT MADE GOOD-FAITH EFFORTS TOWARD
 4 COMPLIANCE WITH THE REQUIREMENTS OF THIS PART II, THE ETHICS
 5 COMMISSION:

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

9 (1) MAY ISSUE A PUBLIC NOTICE CONCERNING THE FAILURE OF
 10 COMPLIANCE WITH THIS PART, INCLUDING A LISTING OF SPECIFIC AREAS OF
 11 NONCOMPLIANCE;

12 (2) MAY ISSUE AN ORDER PROVIDING THAT OFFICIALS AND
 13 EMPLOYEES OF THE SCHOOL BOARD ARE SUBJECT TO THE LOCAL ETHICS LAWS
 14 IN THE COUNTY IN WHICH THE SCHOOL BOARD IS LOCATED; AND

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

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 20 ~~July~~ October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.