

SENATE BILL 913

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CF 4r2311

By: **Senators Raskin, Brinkley, Feldman, Forehand, Getty, King, Madaleno, Peters, Rosapepe, and Shank**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Ethics Law – Financial Disclosure Statement by Elected Local Official of Municipal Corporation – Confidential Information

FOR the purpose of altering certain financial disclosure provisions governing elected local officials of a municipal corporation; prohibiting the disclosure of certain information concerning certain relatives that is included in the financial disclosure statement filed by an elected local official of a municipal corporation; providing certain exceptions; and generally relating to the financial disclosure statement filed by an elected local official of a municipal corporation.

BY repealing and reenacting, without amendments,

Article – General Provisions

Section 5–804

Annotated Code of Maryland

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

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5–809

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 – General Provisions

5–804.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



In this part, “elected local official” includes:

- (1) an individual who holds an elective office of a county or municipal corporation; and
- (2) a candidate for elective office as a local official of a county or municipal corporation.

5–809.

(a) In this section, “local official” includes an individual who is designated as a local official and whose position is funded wholly or partly by the State.

(b) (1) Except as provided in [paragraph (2)] **PARAGRAPHS (2) AND (3)** of this subsection and subsection (c) of this section, the financial disclosure provisions enacted by a county or municipal corporation under § 5–807 of this subtitle:

(i) shall be similar to the provisions of Subtitle 6 of this title; but

(ii) shall be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

(2) The financial disclosure provisions for elected local officials enacted by a county [or municipal corporation] under § 5–807 of this subtitle:

(i) shall be equivalent to or exceed the requirements of Subtitle 6 of this title; but

(ii) shall be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE FINANCIAL DISCLOSURE PROVISIONS FOR ELECTED LOCAL OFFICIALS ENACTED BY A MUNICIPAL CORPORATION UNDER § 5–807 OF THIS SUBTITLE:

1. SHALL BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 6 OF THIS TITLE; BUT

2. MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN THAT JURISDICTION.

(II) AN ELECTED LOCAL OFFICIAL OF A MUNICIPAL CORPORATION NEED NOT DISCLOSE INTERESTS IN REAL PROPERTY THAT IS LOCATED OUTSIDE THE STATE UNLESS THE PROPERTY IS ACQUIRED FROM OR IN CONJUNCTION WITH A PERSON THAT AT ANY TIME IN THE PAST 10 YEARS HAS DONE BUSINESS WITH OR IS PRESENTLY DOING BUSINESS WITH THE MUNICIPAL CORPORATION.

(c) (1) This subtitle does not compel the governing body of a county or municipal corporation to require a local official to file a financial disclosure statement except when the personal interest of the local official will present a potential conflict with the public interest in connection with an anticipated public action of the local official.

(2) The governing body of a county or municipal corporation shall require a local official to file a financial disclosure statement at least annually to report on gifts received by the local official.

(3) The financial disclosure provisions shall require that a statement be filed:

(i) under paragraph (1) of this subsection sufficiently in advance of the action to provide adequate disclosure to the public; and

(ii) by an elected local official under subsection (b)(2) of this section on or before April 30 of each year.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY PART OF A FINANCIAL DISCLOSURE STATEMENT FILED BY AN ELECTED LOCAL OFFICIAL OF A MUNICIPAL CORPORATION THAT DISCLOSES INFORMATION REGARDING A QUALIFIED RELATIVE:

(I) SHALL BE CONFIDENTIAL; AND

(II) MAY NOT BE DISCLOSED.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT DISCLOSURE:

(I) 1. TO A LOCAL ETHICS COMMISSION AND ITS STAFF;
OR

2. TO A COURT OF COMPETENT JURISDICTION; OR

(II) ON A FINDING OF A VIOLATION BY A LOCAL ETHICS COMMISSION OF ANY PART OF THE FINANCIAL DISCLOSURE STATEMENT THAT IS THE SUBJECT OF THE FINDING.

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

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