

# SENATE BILL 18

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(PRE-FILED)

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

Requested: September 27, 2016

Introduced and read first time: January 11, 2017

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Ethics – Bicounty Commissions – Financial Disclosure**

3 FOR the purpose of altering certain duties of executive directors of bicounty commissions  
4 relating to certain ethics forms; requiring certain financial disclosure statements to  
5 be filed electronically with the State Ethics Commission; requiring paper copies of  
6 certain financial disclosure statements to be filed with certain officials in certain  
7 counties; requiring the Commission to delete certain financial disclosure statements  
8 filed by certain applicants for bicounty commissions; and generally relating to the  
9 electronic filing of financial disclosure statements with the State Ethics Commission.

10 BY repealing and reenacting, with amendments,

11 Article – General Provisions

12 Section 5–824, 5–825, and 5–826

13 Annotated Code of Maryland

14 (2014 Volume and 2016 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

16 That the Laws of Maryland read as follows:

17 **Article – General Provisions**

18 5–824.

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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 (a) In this section, as to the Washington Suburban Transit Commission,  
2 “commissioner” includes the members appointed from Montgomery County or Prince  
3 George’s County and the members appointed by the Governor.

4 (b) (1) Each commissioner and each applicant for appointment to a bicounty  
5 commission shall file the financial disclosure statement required by § 5–601(a) of this title,  
6 except that:

7 (i) references to “business with the State” are deemed to refer to  
8 “business with the State, the appropriate bicounty commission, Montgomery County, or  
9 Prince George’s County”; and

10 (ii) references to “employed by the State” are deemed to refer to  
11 “employed by the State, the appropriate bicounty commission, Montgomery County, or  
12 Prince George’s County”.

13 (2) Except as otherwise provided in this section, the statement shall be  
14 filed as required in § 5–602 of this title.

15 [(c) The executive director of a bicounty commission shall:

16 (1) provide forms for the statements required by this section;

17 (2) make the forms available in the office of the executive director; and

18 (3) provide enough forms to the chief administrative officers of  
19 Montgomery County and Prince George’s County for use by applicants and commissioners.]

20 [(d)] (C) (1) Each commissioner shall file [the] **A FINANCIAL DISCLOSURE**  
21 statement **ELECTRONICALLY** with the [chief administrative officer of the county from  
22 which the commissioner is appointed] **ETHICS COMMISSION**.

23 [(2) Commissioners of the Washington Suburban Transit Commission also  
24 shall file a financial disclosure statement with the Ethics Commission.]

25 **(2) ~~EACH~~ EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**  
26 **SUBSECTION, EACH COMMISSIONER SHALL ALSO PRINT A PAPER COPY OF THE**  
27 **ELECTRONICALLY FILED FINANCIAL DISCLOSURE STATEMENT AND SUBMIT IT TO**  
28 **THE CHIEF ADMINISTRATIVE OFFICER OF THE COUNTY FROM WHICH THE**  
29 **COMMISSIONER IS APPOINTED.**

30 **(3) IN MONTGOMERY COUNTY, EACH COMMISSIONER SHALL ALSO**  
31 **PRINT A PAPER COPY OF THE ELECTRONICALLY FILED FINANCIAL DISCLOSURE**  
32 **STATEMENT AND SUBMIT IT TO THE COUNTY COUNCIL.**

1           [(e) (1) If a commissioner of the Washington Suburban Transit Commission  
2 holds another public office and is required to file a financial disclosure statement under  
3 another State or local law, the commissioner may comply with subsection (b) of this section  
4 by submitting a copy of the statement filed in accordance with the other law.

5           (2) The statement shall be supplemented to include any additional  
6 information required by this section.]

7 5-825.

8           (a) An applicant for appointment as commissioner shall file the financial  
9 disclosure statement required by this part [in accordance with this section]  
10 **ELECTRONICALLY WITH THE ETHICS COMMISSION.**

11           (b) **(1) [The statement shall be filed with] ~~AN EXCEPT AS PROVIDED IN~~**  
12 **PARAGRAPH (2) OF THIS SUBSECTION, AN APPLICANT SHALL ALSO PRINT A PAPER**  
13 **COPY OF THE ELECTRONICALLY FILED STATEMENT AND SUBMIT IT TO ~~the county~~**  
14 **council and the chief administrative officer of the county from which the applicant seeks**  
15 **appointment.**

16           **(2) IN MONTGOMERY COUNTY, EACH APPLICANT TO THE**  
17 **MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION SHALL ALSO**  
18 **PRINT A PAPER COPY OF THE ELECTRONICALLY FILED STATEMENT AND SUBMIT IT**  
19 **TO THE COUNTY COUNCIL.**

20           (c) (1) (i) In Montgomery County, an applicant for appointment or  
21 reappointment to the Maryland-National Capital Park and Planning Commission shall  
22 [file] **SUBMIT** the statement **TO THE COUNTY COUNCIL ~~AND THE CHIEF~~**  
23 **~~ADMINISTRATIVE OFFICER~~** at least 5 days before the interview conducted under § 15-104  
24 of the Land Use Article.

25                           (ii) The statement shall cover the 12-month period ending 60 days  
26 before the day the statement is filed.

27           (2) (i) In Prince George's County, an applicant for appointment to the  
28 Maryland-National Capital Park and Planning Commission shall [file] **SUBMIT** the  
29 statement **TO THE COUNTY COUNCIL AND THE CHIEF ADMINISTRATIVE OFFICER** at  
30 least 5 days before the confirmation hearing conducted under § 15-103 of the Land Use  
31 Article.

32                           (ii) The statement shall cover the 12-month period ending 60 days  
33 before the initial date set for the confirmation hearing.

34           (d) (1) An applicant for appointment to the Washington Suburban Sanitary  
35 Commission shall [file] **SUBMIT** the statement **TO ~~THE COUNTY COUNCIL AND THE~~**

1 **CHIEF ADMINISTRATIVE OFFICER** at least 5 days before the interview conducted under  
2 § 17–103 of the Public Utilities Article.

3 (2) The statement shall cover the 12–month period ending 60 days before  
4 the day the statement is filed.

5 (e) (1) An applicant for appointment to the Washington Suburban Transit  
6 Commission shall [file] **SUBMIT** the statement **REQUIRED BY THIS SECTION TO THE**  
7 ~~**COUNTY COUNCIL AND THE CHIEF ADMINISTRATIVE OFFICER**~~ at least 10 days before  
8 the appointment becomes effective.

9 (2) The statement shall cover the 12–month period ending not more than  
10 60 days before the day the statement is filed.

11 5–826.

12 (a) **(1) ~~The~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
13 **SUBSECTION, THE** chief administrative officer of a county shall transmit each financial  
14 disclosure statement of a commissioner or appointed applicant to[:

15 (1) the Ethics Commission; and

16 (2)] the executive director of the appropriate bicounty commission.

17 **(2) IN MONTGOMERY COUNTY, THE COUNTY COUNCIL SHALL**  
18 **TRANSMIT EACH FINANCIAL DISCLOSURE STATEMENT OF A COMMISSIONER OR**  
19 **APPOINTED APPLICANT TO THE MARYLAND–NATIONAL CAPITAL PARK AND**  
20 **PLANNING COMMISSION TO THE EXECUTIVE DIRECTOR OF THE COMMISSION.**

21 (b) The executive director and the chief administrative officer shall retain the  
22 statement for the entire term of office of the commissioner.

23 (c) **(1)** Within 15 days after an appointment to a bicounty commission has  
24 become final, the county council and the chief administrative officer of the county involved  
25 shall return to each applicant who is not appointed the original and all copies of the  
26 statement submitted by that applicant.

27 **(2) ON NOTIFICATION BY THE CHIEF ADMINISTRATIVE OFFICER OF**  
28 **THE COUNTY INVOLVED THAT AN APPLICANT WAS NOT APPOINTED, THE ETHICS**  
29 **COMMISSION SHALL PROMPTLY DELETE THE STATEMENT ELECTRONICALLY FILED**  
30 **BY THE APPLICANT.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2017.