

Chapter 31

(House Bill 879)

AN ACT concerning

Public Integrity Act of 2017

FOR the purpose of altering provisions of the ethics law governing the period of time during which former members of the General Assembly are prohibited from representing or assisting certain parties for compensation in certain matters; ~~prohibiting, except under certain circumstances, former officials and employees of the Legislative Branch and Executive Branch from representing or assisting certain parties for compensation in certain matters for a certain period of time; prohibiting an official from directly or indirectly initiating a solicitation for a person to retain the services of a particular regulated lobbyist or lobbying firm; prohibiting a member of the General Assembly from taking certain actions relating to legislation affecting certain entities; requiring a legislator to report certain information to the State Ethics Commission on or before the first day of a legislator's term and within a certain number of days of any change in information occurring, rather than to the Joint Ethics Committee and at the times and in the manner required by the Committee; requiring an official of the Executive Branch to report to the Commission details of certain payments, compensation, and other interests under certain circumstances; altering the information a legislator is required to report to the Commission; altering a certain exception to the requirement that a legislator report certain information to the Commission; prohibiting a regulated lobbyist and an individual who is employed by a certain business entity from serving on a board; repealing the requirement that the Committee administer and implement certain provisions of the public ethics law; altering the membership of the Commission; requiring and authorizing the Commission, rather than the Committee or the Department of Legislative Services, to take certain actions under the public ethics law as it relates to legislators; repealing the authority of a legislator to request a certain opinion from the Committee; authorizing a certain complaint to be filed with the Commission, rather than the Committee; repealing the requirement that the Committee adopt certain procedures; making conforming changes; altering a certain definition altering the penalty for a certain offense relating to bribery of a public employee; altering the definition of "legislative action" as it applies to certain provisions of the Maryland Public Ethics Law to include testimony and other advocacy in an official capacity as a member of the General Assembly before a unit of State or local government; prohibiting certain former regulated lobbyists from participating in a case, contract, or other matter as a public official or employee for a certain time period under certain circumstances; requiring the State Ethics Commission to make certain information freely available on the Internet; requiring a certain appointing authority to provide a certain statement to the State Ethics Commission; prohibiting certain former ~~State~~ officials from representing or assisting certain parties for compensation in certain matters for a certain period of time, subject to a certain exception; prohibiting an official or an employee from intentionally using the prestige of office or public~~

position to influence, except under certain circumstances, the award of certain contracts; prohibiting an official from directly or indirectly initiating a solicitation for a person to retain ~~the~~ certain services of a particular regulated lobbyist or lobbying firm; prohibiting a public official or employee from using public resources or the title of the public official or employee to solicit certain political contributions; prohibiting a State official from using public resources to solicit certain political contributions; altering the definition of “close economic association” as it applies to provisions of the Public Ethics Law governing conflicts of interest; altering certain disqualification and disclaimer requirements for members of the General Assembly; altering the reporting requirements ~~for outside income~~ that a legislator is required to make to the Joint Ethics Committee; repealing a certain requirement that the Ethics Commission develop and implement procedures for granting exemptions to electronic filing requirements for financial disclosure forms; requiring a governmental unit to provide certain employees with a list of entities that did business with the unit during a certain time period; ~~prohibiting certain former regulated lobbyists from participating in certain cases, contracts, or matters for a certain time period under certain circumstances;~~ requiring the Ethics Commission to make freely available on the Internet in a certain manner certain financial disclosure statements for certain officials and candidates, subject to certain redaction; altering the debt schedule of a financial disclosure statement to require disclosure of debt owed to entities doing business with or regulated by the individual’s governmental unit; altering the employment schedule of a financial disclosure statement to require certain reporting if the individual’s spouse is a regulated lobbyist; repealing a requirement that the Ethics Commission hold a public hearing under certain circumstances; requiring that certain Ethics Commission regulations require certain regulated lobbyists to *disclose certain information and* file certain statements of recusal *with a certain entity* under certain circumstances; altering the definition of “interest” as it applies to the Maryland Public Ethics Law to exclude exchange-traded funds; establishing the Citizens’ Advisory Board for Legislative Ethics; providing for the composition of the Board; establishing certain standards and qualifications for Board membership; requiring the Board to regularly offer recommendations to the Committee and the presiding officers regarding changes to the Public Ethics Law, the policies and procedures of the Committee, and public advisory opinions of the Committee; ~~defining a certain term;~~ making certain technical corrections; ~~repealing a certain definition;~~ and generally relating to public ethics.

~~BY repealing and reenacting, with amendments,~~

~~Article — General Provisions~~

~~Section 5-101(b), (v), (bb), (ff), and (ll), 5-104, 5-202, 5-402, 5-513, 5-514, 5-516, 5-518, 5-519, 5-521, 5-522, 5-602, 5-606, and 5-607(k)~~

~~Annotated Code of Maryland~~

~~(2014 Volume and 2016 Supplement)~~

~~BY repealing~~

~~Article — General Provisions~~

~~Section 5-101(u), 5-304, 5-515, and 5-517
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)~~

~~BY adding to~~

~~Article – General Provisions
Section 5-512.1, 5-612, and 5-717
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article – State Government
Section 2-706 and 2-709
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)~~

~~BY renumbering~~

~~Article – General Provisions
Section 5-101(w) through (aa), (cc) through (ee), (gg) through (kk), and (mm),
respectively
to be Section 5-101(v) through (z), (bb) through (dd), (ff) through (jj), and (ll),
respectively
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 9-201
Annotated Code of Maryland
(2012 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – General Provisions
Section 5-101(a), and 5-501(a), and 5-513
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions
Section 5-101(t) and (v), 5-502, 5-504(d), 5-506, 5-512, 5-513, 5-514(b)(1),
5-602(d), 5-606, 5-607(g) and (i), and 5-704(f)
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)

BY adding to

Article – General Provisions

Section 5-501(a-1) and 5-602(f)
Annotated Code of Maryland
(2014 Volume and 2016 Supplement)

BY adding to

Article – State Government
Section 2-710
Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Criminal Law

9-201.

- (a) (1) *In this section the following words have the meanings indicated.*
- (2) *“Political subdivision” includes a:*
- (i) *county;*
 - (ii) *municipal corporation;*
 - (iii) *bi-county or multicounty agency;*
 - (iv) *county board of education;*
 - (v) *public authority; or*
 - (vi) *special taxing district that is not a homeowner’s association.*
- (3) (i) *“Public employee” means an officer or employee of:*
- 1. the State; or*
 - 2. a political subdivision of the State.*
- (ii) *“Public employee” includes:*
- 1. an executive officer of the State;*
 - 2. a judge of the State;*
 - 3. a judicial officer of the State;*

4. a member or officer of the General Assembly;

5. a member of the police force of Baltimore City or the Department of State Police; and

6. a member, officer, or executive officer of a political subdivision.

(b) A person may not bribe or attempt to bribe a public employee to influence the public employee in the performance of an official duty of the public employee.

(c) A public employee may not demand or receive a bribe, fee, reward, or testimonial to:

(1) influence the performance of the official duties of the public employee; or

(2) neglect or fail to perform the official duties of the public employee.

(d) A person who violates this section is guilty of the misdemeanor of bribery and on conviction:

(1) is subject to imprisonment for not less than 2 years and not exceeding 12 years or a fine not less than [~~\$100~~]**\$1,000** and not exceeding [~~\$5,000~~]**\$10,000** or both;

(2) may not vote; and

(3) may not hold an office of trust or profit in the State.

(e) A person who violates this section is subject to § 5-106(b) of the Courts Article.

(f) (1) A person who violates this section:

(i) is a competent witness; and

(ii) subject to paragraph (2) of this subsection, may be compelled to testify against any person who may have violated this section.

(2) A person compelled to testify for the State under paragraph (1) of this subsection is immune from prosecution for a crime about which the person was compelled to testify.

Article – General Provisions

5-101.

(a) In this title the following words have the meanings indicated unless:

(1) the context clearly requires a different meaning; or

(2) a different definition is adopted for a particular provision.

~~(b) “Advisory body” means:~~

~~(1) a governmental unit designated by the Court of Appeals to give advice with respect to the application or interpretation of Subtitles 5 and 6 of this title to a State official of the Judicial Branch; OR~~

~~(2) [the Joint Ethics Committee, for questions arising under Subtitle 5 of this title regarding a State official of the Legislative Branch; or~~

~~(3)] the Ethics Commission[, for all other questions].~~

~~[(u) “Joint Ethics Committee” means the Joint Committee on Legislative Ethics.]~~

(t) (1) “Interest” means a legal or equitable economic interest that is owned or held wholly or partly, jointly or severally, or directly or indirectly, whether or not the economic interest is subject to an encumbrance or condition.

(2) “Interest” does not include:

(i) an interest held in the capacity of agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;

(ii) an interest in a time or demand deposit in a financial institution;

(iii) an interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money in a lump sum or periodically for life or a specified period;

(iv) a common trust fund or a trust that forms part of a pension or a profit-sharing plan that:

1. has more than 25 participants; and

2. is determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code or a qualified tuition plan established pursuant to Section 529 of the Internal Revenue Code; or

(v) a mutual fund OR EXCHANGE-TRADED FUND that is publicly traded on a national scale unless the mutual fund OR EXCHANGE-TRADED FUND is

composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual’s governmental unit.

~~[(v)] (U)~~ (1) “Legislative action” means an official action or nonaction relating to:

(i) a bill, a resolution, an amendment, a nomination, an appointment, a report, or any other matter within the jurisdiction of the General Assembly;
~~or~~

(ii) a bill presented to the Governor for signature or veto; **OR**

(III) TESTIMONY OR OTHER ADVOCACY IN AN OFFICIAL CAPACITY AS A MEMBER OF THE GENERAL ASSEMBLY BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT.

(2) “Legislative action” includes:

(i) introduction;

(ii) sponsorship;

(iii) consideration;

(iv) debate;

(v) amendment;

(vi) passage;

(vii) defeat;

(viii) approval; and

(ix) veto.

~~[(bb)] (AA) “Official” means either a State official or a public official.~~

~~[(ff)] (EE) “Public official” means an individual determined to be a public official under § 5-103 of this subtitle.~~

~~[(ll)] (KK) “State official” means:~~

~~(1) a constitutional officer or officer-elect in an executive unit;~~

~~(2) a member or member-elect of the General Assembly;~~

- ~~(3) a judge or judge clect of a court under Article IV, § 1 of the Maryland Constitution;~~
- ~~(4) a judicial appointee as defined in Maryland Rule 16-814;~~
- ~~(5) a State's Attorney;~~
- ~~(6) a clerk of the circuit court;~~
- ~~(7) a register of wills; or~~
- ~~(8) a sheriff.~~

~~§ 104.~~

~~(a) Except as provided in [subsections (b) and (c)] SUBSECTION (B) of this section, this title shall be administered and implemented by the Ethics Commission.~~

~~(b) [The Joint Ethics Committee, acting as an advisory body, shall administer and implement Subtitle 5 of this title as it applies to members of the General Assembly.~~

~~(c) [The Commission on Judicial Disabilities, the Judicial Ethics Committee, or another body designated by the Court of Appeals, acting as an advisory body, shall administer and implement Subtitles 5 and 6 of this title as those subtitles apply to State officials of the Judicial Branch.~~

~~§ 202.~~

~~(a) (1) The Ethics Commission consists of [five] THE FOLLOWING members []:~~

~~[(2)] (I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;~~

~~(II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE; AND~~

~~(III) THE FOLLOWING SEVEN MEMBERS APPOINTED BY [The] THE Governor [shall appoint]:~~

~~[(i)] 1. with the advice and consent of the Senate, [three] FIVE members, at least one of whom shall be a member of the principal political party of which the Governor is not a member;~~

~~and~~ ~~[(ii)] 2. one member nominated by the President of the Senate;~~

~~[(iii)] 3. one member nominated by the Speaker of the House.~~

~~[(3)] (2) The Governor may reject a nominee of the President or of the Speaker only for cause.~~

~~[(4)] (3) If the Governor rejects a nominee under paragraph [(3)] (2) of this subsection, the appropriate presiding officer shall nominate another individual.~~

~~[(5)] (4) A vacancy shall be filled in a manner consistent with this subsection.~~

~~(b) A member of the Ethics Commission APPOINTED BY THE GOVERNOR may not:~~

~~(1) hold elected or appointed office in, be an employee of, or be a candidate for office in:~~

~~(i) the federal government;~~

~~(ii) the State government;~~

~~(iii) a municipal corporation, county, or multicounty agency of the State; or~~

~~(iv) a political party; or~~

~~(2) be a regulated lobbyist.~~

~~(e) Before taking office, each [appointee] MEMBER APPOINTED BY THE GOVERNOR to the Ethics Commission shall take the oath required by Article I, § 9 of the Maryland Constitution.~~

~~(d) (1) The term of a member APPOINTED BY THE GOVERNOR is 5 years.~~

~~(2) The terms of members APPOINTED BY THE GOVERNOR are staggered as required by the terms in effect for members of the Ethics Commission on October 1, 2013.~~

~~(3) A member APPOINTED BY THE GOVERNOR may serve no more than two consecutive 5-year terms.~~

~~(4) A member who is appointed BY THE GOVERNOR after a term has begun serves for the rest of the term.~~

~~(5) At the end of a term, a member APPOINTED BY THE GOVERNOR may continue to serve until a successor is appointed and qualifies.~~

~~(e) (1) The Governor may remove a member APPOINTED BY THE GOVERNOR for:~~

~~(i) neglect of duty;~~

~~(ii) misconduct in office;~~

~~(iii) a disability that makes the member unable to discharge the powers and duties of office; or~~

~~(iv) a violation of this title.~~

~~(2) Before removing a member APPOINTED BY THE GOVERNOR, the Governor shall give the member:~~

~~(i) written notice of the charges; and~~

~~(ii) an opportunity to answer the charges.~~

~~§ 304.~~

~~(a) If the Ethics Commission issues an advisory opinion about a State official of the Legislative Branch as to a question arising under Subtitle 6 of this title, and if requested by the State official, the Joint Ethics Committee shall issue an advisory opinion on the matter in accordance with this subtitle.~~

~~(b) The opinion of the Joint Ethics Committee prevails to the extent of any inconsistency.~~

~~§ 402.~~

~~(a) For further action after the filing of a complaint, the Ethics Commission promptly shall refer the complaint to:~~

~~(1) the Commission on Judicial Disabilities, if the complaint concerns a judge of a court established under Article IV, § 1 of the Maryland Constitution; OR~~

~~(2) [the Joint Ethics Committee, if the complaint concerns:~~

~~(i) a State official of the Legislative Branch; and~~

~~(ii) a violation of Subtitle 5 of this title; or~~

~~(3) the staff counsel, if the complaint concerns any other entity.~~

~~(b) On request of the Commission on Judicial Disabilities [or the Joint Ethics Committee], the Ethics Commission shall provide any information or assistance that is not prohibited by law.~~

5-501.

(a) Except as otherwise provided in subsection (c) of this section, an official or employee may not participate in a matter if:

(1) the official or employee or a qualifying relative of the official or employee has an interest in the matter and the official or employee knows of the interest; or

(2) any of the following is a party to the matter:

(i) a business entity in which the official or employee has a direct financial interest of which the official or employee reasonably may be expected to know;

(ii) a business entity, including a limited liability company or a limited liability partnership, of which any of the following is an officer, a director, a trustee, a partner, or an employee:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(iii) a business entity with which any of the following has applied for a position, is negotiating employment, or has arranged prospective employment:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(iv) if the contract reasonably could be expected to result in a conflict between the private interest and the official State duties of the official or employee, a business entity that is a party to a contract with:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(v) a business entity, either engaged in a transaction with the State or subject to regulation by the official's or employee's governmental unit, in which a direct financial interest is owned by another business entity if the official or employee:

1. has a direct financial interest in the other business entity;
and

2. reasonably may be expected to know of both financial interests; or

(vi) a business entity that:

1. the official or employee knows is a creditor or an obligee of the official or employee, or of a qualifying relative of the official or employee, with respect to a thing of economic value; and

2. as a creditor or an obligee, is in a position to affect directly and substantially the interest of the official, employee, or qualifying relative.

(A-1) (1) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO IS A PUBLIC OFFICIAL ONLY AS A MEMBER OF A BOARD AND WHO RECEIVES ANNUAL COMPENSATION THAT IS LESS THAN 25% OF THE LOWEST ANNUAL COMPENSATION AT STATE GRADE LEVEL 16.

(2) A FORMER REGULATED LOBBYIST WHO IS OR BECOMES SUBJECT TO REGULATION UNDER THIS TITLE AS A PUBLIC OFFICIAL OR EMPLOYEE MAY NOT PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS A PUBLIC OFFICIAL OR EMPLOYEE FOR $\frac{1}{2}$ ONE CALENDAR YEAR AFTER THE TERMINATION OF THE REGISTRATION OF THE FORMER REGULATED LOBBYIST IF THE FORMER REGULATED LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY FOR COMPENSATION IN THE MATTER.

5-502.

(a) This section does not apply to members of the General Assembly.

(b) Except as provided in subsections (c) and (d) of this section, an official or employee may not:

(1) be employed by or have a financial interest in:

(i) an entity subject to the authority of that official or employee or of the governmental unit with which the official or employee is affiliated; or

(ii) an entity that is negotiating or has entered a contract with that governmental unit or an entity that is a subcontractor on a contract with that governmental unit; or

(2) hold any other employment relationship that would impair the impartiality and independent judgment of the official or employee.

(c) The prohibitions of subsection (b) of this section do not apply:

(1) to employment or a financial interest allowed by regulation of the Ethics Commission if:

(i) the employment does not create a conflict of interest or the appearance of a conflict of interest; or

(ii) the financial interest is disclosed;

(2) to a public official who is appointed to a regulatory or licensing unit in accordance with a statutory requirement that entities subject to the jurisdiction of the unit be represented in appointments to it;

(3) as allowed by regulations adopted by the Ethics Commission, to an employee whose government duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest; or

(4) to a member of a board who holds the employment or financial interest when appointed if the employment or financial interest is disclosed publicly to the appointing authority, the Ethics Commission, and, if applicable, the Senate of Maryland before Senate confirmation.

(d) (1) Subject to paragraph (2) of this subsection, the Ethics Commission may exempt a public official of an executive unit or an employee of an executive unit from the prohibitions of subsection (b) of this section if the Ethics Commission determines that:

(i) failure to grant the exemption would limit the ability of the State to:

1. recruit and hire highly qualified or uniquely qualified professionals for public service; or

2. assure the availability of competent services to the public;

and

(ii) the number of exemptions granted under this subsection has not eroded the purposes of subsection (b) of this section or other provisions of this title.

(2) (i) The Ethics Commission may grant an exemption under paragraph (1) of this subsection only:

1. in extraordinary situations; and
2. on the recommendation of the Governor, at the request of the executive unit involved.

(ii) The Ethics Commission shall apply this subsection as consistently as possible under similar facts and circumstances.

(E) (1) THE ETHICS COMMISSION SHALL MAKE FREELY AVAILABLE ON THE INTERNET DOCUMENTATION OF A DISCLOSURE ~~REQUIRED~~ UNDER SUBSECTION (C)(4) OF THIS SECTION THAT IS SUBMITTED TO THE ETHICS COMMISSION ON OR AFTER JANUARY 1, 2019.

(2) AN APPOINTING AUTHORITY SHALL PROMPTLY TRANSMIT A COPY OF A DISCLOSURE STATEMENT SUBMITTED TO THE APPOINTING AUTHORITY UNDER SUBSECTION (C)(4) OF THIS SECTION TO THE ETHICS COMMISSION.

5-504.

(d) (1) Except for a former member of the General Assembly ~~OR A FORMER OFFICIAL OR EMPLOYEE OF THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH~~, who shall be subject to the restrictions provided under paragraph (2) of this subsection, a former official or employee may not assist or represent a party, other than the State, in a case, a contract, or any other specific matter for compensation if:

- (i) the matter involves State government; and
- (ii) the former official or employee participated significantly in the matter as an official or employee.

(2) (i) IN THIS PARAGRAPH, "LEGISLATIVE ACTION" DOES NOT INCLUDE TESTIMONY OR OTHER ADVOCACY IN AN OFFICIAL CAPACITY AS A MEMBER OF THE GENERAL ASSEMBLY BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT.

(II) Except as provided in subparagraph ~~(ii)~~ (III) of this paragraph[, until the conclusion of the next regular session that begins after the member leaves office,]:

- 1. a former member of the General Assembly may not assist or represent another party for compensation in a matter that is the subject of legislative**

action FOR ~~1~~ ONE CALENDAR YEAR ~~AFTER~~ FROM THE DATE THE MEMBER LEAVES OFFICE; AND

2. A FORMER ~~OFFICIAL OR EMPLOYEE OF THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH~~ GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR STATE TREASURER MAY NOT ASSIST OR REPRESENT ANOTHER PARTY FOR COMPENSATION IN A MATTER THAT IS THE SUBJECT OF LEGISLATIVE ACTION FOR ~~1~~ ONE CALENDAR YEAR ~~AFTER~~ FROM THE DATE THE OFFICIAL ~~OR EMPLOYEE~~ LEAVES ~~EMPLOYMENT WITH THE LEGISLATIVE BRANCH OR THE EXECUTIVE BRANCH~~ STATE OFFICE.

~~(ii)~~ (III) The limitation under subparagraph ~~(i)~~ (II) of this paragraph on representation by a former member of the General Assembly OR BY A FORMER ~~OFFICIAL OR EMPLOYEE OF THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH~~ GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR STATE TREASURER does not apply to [the former member's] representation of a municipal corporation, county, or State governmental entity.

5-506.

(a) (1) An official or employee may not intentionally use the prestige of office or public position:

(I) for that official's or employee's private gain or that of another;

OR

(II) TO INFLUENCE, EXCEPT AS PART OF THE OFFICIAL DUTIES OF THE OFFICIAL OR EMPLOYEE OR AS A USUAL AND CUSTOMARY CONSTITUENT SERVICE WITHOUT ADDITIONAL COMPENSATION, THE AWARD OF A STATE OR LOCAL CONTRACT TO A SPECIFIC PERSON.

(2) AN OFFICIAL MAY NOT DIRECTLY OR INDIRECTLY INITIATE A SOLICITATION FOR A PERSON TO RETAIN THE COMPENSATED SERVICES OF A PARTICULAR REGULATED LOBBYIST OR LOBBYING FIRM.

(b) The performance of usual and customary constituent services, without additional compensation, is not prohibited under subsection (a) of this section.

(C) (1) A PUBLIC OFFICIAL OR EMPLOYEE MAY NOT USE PUBLIC RESOURCES OR THE TITLE OF THE PUBLIC OFFICIAL OR EMPLOYEE TO SOLICIT A POLITICAL CONTRIBUTION THAT IS REGULATED IN ACCORDANCE WITH THE ELECTION LAW ARTICLE.

(2) A STATE OFFICIAL MAY NOT USE PUBLIC RESOURCES TO SOLICIT A POLITICAL CONTRIBUTION THAT IS REGULATED IN ACCORDANCE WITH THE ELECTION LAW ARTICLE.

~~5-512.1.~~

~~A MEMBER OF THE GENERAL ASSEMBLY MAY NOT TAKE LEGISLATIVE ACTION, OR OTHERWISE ATTEMPT TO INFLUENCE ANY LEGISLATION, THAT AFFECTS AN ENTITY:~~

~~(1) THAT EMPLOYS THE MEMBER OR IN WHICH THE MEMBER HAS, OR IS IN THE PROCESS OF ACQUIRING, AN INTEREST; AND~~

~~(2) THAT THE STATE HAS AWARDED, OR FOR WHICH THE STATE IS REVIEWING AN AWARD OF, A LICENSE, LEASE, OR CONTRACT OR ANY STATE FUNDS.~~

~~5-513.~~

~~(a) (1) Except as provided in paragraph (2) of this subsection, the disqualification arising under § 5-512 of this subtitle is suspended if a legislator with an apparent or presumed conflict files with the [Joint Ethics Committee] ETHICS COMMISSION a sworn statement that:~~

~~(i) describes the circumstances of the apparent or presumed conflict and the legislation or class of legislation to which it relates; and~~

~~(ii) asserts that the legislator is able to participate in legislative action relating to the legislation fairly, objectively, and in the public interest.~~

~~(2) (i) Except as provided in subparagraph (ii) of this paragraph, the disqualification arising under § 5-512 of this subtitle may not be suspended if the conflict is direct and personal to:~~

~~1. the legislator;~~

~~2. a member of the legislator's immediate family; or~~

~~3. the legislator's employer.~~

~~(ii) This paragraph does not apply to a vote on:~~

~~1. the annual operating budget bill, in its entirety; or~~

~~2. the annual capital budget bill, in its entirety.~~

~~(b) (1) Whenever a legislator files a statement described in subsection (a)(1) of this section, the [Joint Ethics Committee] ETHICS COMMISSION on its own motion may issue a statement concerning the propriety of the legislator's participation in the particular legislative action, with reference to the applicable ethical standards.~~

~~(2) The suspension of the disqualification by the filing of the statement is subject to further action by the [Joint Ethics Committee] ETHICS COMMISSION if the question of conflict comes before the [Committee] COMMISSION as to the same circumstances and the same legislator.~~

~~(e) A member who is disqualified from participating in legislative action under subsection (a)(2)(i) of this section, or who chooses to be excused from participating in legislative action on a bill or class of bills because of the appearance or presumption of a conflict, shall file in a timely manner a statement with the [Joint Ethics Committee] ETHICS COMMISSION that describes the circumstances of the apparent or presumed conflict.~~

~~(d) All statements filed under this section shall be:~~

~~(1) filed electronically on a form required by the [Joint Ethics Committee] ETHICS COMMISSION; and~~

~~(2) maintained as a matter of public record as required in subsection (e) of this section.~~

~~(e) (1) The [Department of Legislative Services] ETHICS COMMISSION shall:~~

~~(i) compile the statements filed under this section;~~

~~(ii) make the statements available for public inspection as provided in the Public Information Act; and~~

~~(iii) as to statements filed on or after January 1, 2013, make the statements freely available to the public on the Internet through an online registration program.~~

~~(2) As to each statement, the Internet posting shall indicate:~~

~~(i) whether the [Joint Ethics Committee] ETHICS COMMISSION has made a determination under subsection (b) of this section;~~

~~(ii) the determination made, if any; and~~

~~(iii) the date, if any, on which the determination was made.~~

~~(a) (1) Except as provided in paragraph (2) or (3) of this subsection, a member of the General Assembly, a filed candidate for election to the General Assembly, or a member-elect of the General Assembly may not receive earned income from:~~

- ~~(i) an executive unit; or~~
- ~~(ii) a political subdivision of the State.~~

~~(2) The [Joint Ethics Committee] ETHICS COMMISSION may exempt an individual from the provisions of paragraph (1) of this subsection if the earned income is for:~~

- ~~(i) educational instruction provided by the member, candidate, or member-elect;~~
- ~~(ii) a position that is subject to a merit system hiring process;~~
- ~~(iii) a human services position; or~~
- ~~(iv) a career promotion, change, or progression that is a logical transition from a pre-existing relationship as described in paragraph (3)(ii) of this subsection.~~

~~(3) This subsection does not apply to compensation to a member, candidate, or member-elect derived from:~~

- ~~(i) employment as a non-elected law enforcement officer or a fire or rescue squad worker; or~~
- ~~(ii) a transaction or relationship that existed before the individual:~~

~~1. filed a certificate of candidacy for election to the General Assembly while the individual was not an incumbent member of the General Assembly; or~~

~~(b) (1) [A] ON OR BEFORE THE FIRST DAY OF A LEGISLATOR'S TERM AND WITHIN 7 DAYS AFTER ANY CHANGE IN INFORMATION, A legislator shall report the following information in writing to the [Joint Ethics Committee at the times and in the manner required by the Joint Ethics Committee] ETHICS COMMISSION:~~

- ~~(i) subject to paragraph (2) of this subsection, if THE LEGISLATOR OR THE LEGISLATOR'S SPOUSE IS representing a person [for compensation] before a State or local government agency, except in a judicial proceeding or in a quasi-judicial proceeding, the name of the person represented, the services performed, and the consideration, IF ANY;~~

~~(ii) if representing a State or local government agency for compensation, the name of the agency, the services performed, and the consideration;~~

~~(iii) the name of any business enterprise subject to regulation by a State agency in which the legislator and a member of the legislator's immediate family (spouse and children living with the legislator), together or separately, have:~~

~~1. the lesser of:~~

~~A. 10% or more of the capital stock of any corporation; or~~

~~B. capital stock of any corporation with a cumulative value of \$25,000 or more; and~~

~~2. any interest in a partnership, limited liability partnership, or limited liability company;~~

~~(iv) details of any contractual relationship with a governmental entity of the State or a local government in the State, including the subject matter and the consideration;~~

~~(v) details of any transaction with a governmental entity of the State or a local government in the State involving a monetary consideration; [and]~~

~~(vi) any primary employment or business interest and the employer of the legislator or the spouse of the legislator, except for employment as a legislator; AND~~

~~**(VII) IF A LEGISLATOR IS MARRIED TO A REGISTERED LOBBYIST, DETAILS OF ALL PAYMENTS, COMPENSATION, OR OTHER INTERESTS ACCRUING TO THE LEGISLATOR'S SPOUSE OR THE SPOUSE'S EMPLOYER AS A RESULT OF SERVICES RENDERED.**~~

~~(2) A legislator, on the written advice of the Counsel to the [Joint Ethics Committee] **ETHICS COMMISSION**, is not required to report any information under this subsection if reporting the information would violate standards **ESTABLISHED IN LAW** of client confidentiality or professional conduct.~~

~~(3) The [Joint Ethics Committee] **ETHICS COMMISSION** may adopt procedures to keep confidential the name of the person represented in a report filed under subsection (b)(1)(i) of this section if that information is privileged or confidential under any law governing proceedings before that State or local government agency.~~

~~(e) All reports filed under this section shall be:~~

~~(1) filed electronically on a form required by the [Joint Ethics Committee] ETHICS COMMISSION; and~~

~~(2) maintained as a matter of public record as required in subsection (d) of this section.~~

~~(d) (1) The [Department of Legislative Services] ETHICS COMMISSION shall:~~

- ~~(i) compile the reports filed under this section;~~
- ~~(ii) make the reports available for public inspection as provided in the Public Information Act; and~~
- ~~(iii) as to reports filed on or after January 1, 2013, and except as provided in paragraph (2) of this subsection, make the reports freely available to the public on the Internet through an online registration program.~~

~~(2) The [Department of Legislative Services] ETHICS COMMISSION may not post on the Internet information related to consideration received that is reported under subsection (b) of this section.~~

~~§ 5-515.~~

~~(a) (1) A legislator may request a written opinion from the Joint Ethics Committee on the propriety of any current or proposed conduct of the legislator and involving the applicable standards of ethical conduct for legislators established by law, rule, or other standard of ethical conduct.~~

~~(2) A request for an opinion shall:~~

- ~~(i) be in writing and signed by the legislator;~~
- ~~(ii) be addressed to the Joint Ethics Committee or either cochair;~~
- ~~(iii) be submitted in a timely manner; and~~
- ~~(iv) include a complete and accurate statement of the relevant facts.~~

~~(3) If a request is unclear or incomplete, the Joint Ethics Committee may seek additional information from the legislator.~~

~~(4) (i) The Counsel to the Joint Ethics Committee shall prepare for the Committee a response to each written request for an opinion under this subsection.~~

~~(ii) Each opinion shall discuss all applicable laws, rules, or other standards.~~

~~(5) Except as provided in paragraph (6)(i) of this subsection, an opinion must be approved by a majority of the members of the Joint Ethics Committee.~~

~~(6) (i) The cochairs of the Joint Ethics Committee may approve an opinion on behalf of the Committee if they determine that the opinion is consistent with prior precedent and therefore does not require consideration by the full Committee.~~

~~(ii) An opinion issued under subparagraph (i) of this paragraph shall be distributed to each member of the Joint Ethics Committee not later than the next meeting of the Committee.~~

~~(iii) Notwithstanding subparagraph (i) of this paragraph, if a cochair of the Joint Ethics Committee is the legislator requesting the opinion, the opinion must be approved by a majority of the Committee.~~

~~(b) The Joint Ethics Committee is not required to issue an opinion if the request is not made in a timely manner.~~

~~(c) The Joint Ethics Committee on its own motion may issue opinions as it considers appropriate.~~

~~(d) (1) The cochairs shall determine whether an opinion shall be made public, with deletions and changes necessary to protect the legislator's identity.~~

~~(2) (i) The Counsel to the Joint Ethics Committee shall compile and index each opinion that will be made public.~~

~~(ii) The compilation of opinions shall be distributed to each member of the General Assembly and shall be available to the public.~~

~~(e) The Joint Ethics Committee may take no adverse action with regard to conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.~~

~~(f) Information provided to the Joint Ethics Committee by a legislator seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under this section if the legislator acts in good faith in accordance with the advice of the Committee.~~

~~(g) (1) An opinion issued under this section is binding on any legislator to whom it is addressed.~~

~~(2) A published opinion is binding on all members of the General Assembly.]~~

~~5-516.~~

~~(a) A complaint alleging that a member of the General Assembly may have violated standards of ethical conduct, including § 2-108 of the State Government Article, may be filed with the [Joint Ethics Committee] ETHICS COMMISSION by:~~

~~(1) a written statement from any person, accompanied by an affidavit, setting forth the facts on which the statement is based;~~

~~(2) motion of a majority of the membership of the [Joint Ethics Committee] ETHICS COMMISSION; or~~

~~(3) referral of a matter to the [Joint Ethics Committee] ETHICS COMMISSION by a presiding officer of the General Assembly as provided in § 2-706(a)(5) of the State Government Article.~~

~~(b) (1) The [Joint Ethics Committee] ETHICS COMMISSION shall provide a copy of each complaint filed under subsection (a) of this section to the presiding officer of the house of the legislator who is the subject of the complaint.~~

~~(2) Based on the information contained in a complaint provided to a presiding officer under paragraph (1) of this subsection, if a presiding officer determines that it is inappropriate for [a Joint Ethics Committee] THE ETHICS COMMISSION member from that house to consider a particular matter, the presiding officer shall appoint a substitute member to the [Joint Ethics Committee] ETHICS COMMISSION for its consideration of the matter.~~

~~[5-517.~~

~~(a) Except as provided in subsection (b) of this section, any matter before the Joint Ethics Committee, including information relating to any complaint, proceeding, or record of the Joint Ethics Committee, shall remain confidential.~~

~~(b) Public access and inspection of an activity or a record of the Joint Ethics Committee shall be available for:~~

~~(1) a disclosure or disclaimer of a conflict of interest form filed with the Joint Ethics Committee;~~

~~(2) a portion of a meeting in which a disclosure or disclaimer form is reviewed by the Joint Ethics Committee;~~

~~(3) information relating to a complaint, proceeding, or record of the Joint Ethics Committee involving a member of the General Assembly if consent to public access and inspection is granted by:~~

- ~~(i) the member involved in the matter; or~~
- ~~(ii) a three-fourths vote of the full membership of the Joint Ethics Committee, based on criteria established by rule;~~
- ~~(4) a rule or broadly applicable opinion issued by the Joint Ethics Committee; or~~
- ~~(5) any matter or record that is otherwise available for public access or inspection as specifically authorized under this subtitle.]~~

~~5-518.~~

~~(a) After the filing or preparation of a complaint under § 5-516 of this subtitle, the [Joint Ethics Committee] ETHICS COMMISSION shall review the complaint and proceed in accordance with § 5-519 of this subtitle unless, after examining the complaint and the issues raised by it, the [Committee] COMMISSION finds that further proceedings are not justified because:~~

- ~~(1) the complaint is frivolous;~~
- ~~(2) the complaint does not allege actions on the part of the accused legislator that provide reason to believe that a violation may have occurred;~~
- ~~(3) the matters alleged are not within the jurisdiction of the [Joint Ethics Committee] ETHICS COMMISSION;~~
- ~~(4) the violations alleged were inadvertent, technical, or minor, or have been cured, and, after consideration of all of the circumstances then known, further proceedings would not serve the purposes of this subtitle; or~~
- ~~(5) for other reasons, after consideration of all the circumstances, further proceedings would not serve the purposes of this subtitle.~~

~~(b) (1) If a finding is made under subsection (a) of this section, the [Joint Ethics Committee] ETHICS COMMISSION shall:~~

- ~~(i) submit a report of its conclusions to the presiding officer or to the membership of the branch of the legislature of which the accused legislator is a member, and the proceedings shall be terminated;~~
- ~~(ii) provide advice or guidance to the accused legislator; or~~
- ~~(iii) provide the accused legislator with an opportunity to cure any minor violation of ethical standards.~~

~~(2) (i) Subject to § 5-517 of this subtitle, notice of the [Joint Ethics Committee's] ETHICS COMMISSION'S action shall be provided to the accused legislator and to any person who filed the complaint.~~

~~(ii) On request, the accused legislator may see the complaint and the report.~~

~~(e) If no finding is made under subsection (a) of this section, the [Joint Ethics Committee] ETHICS COMMISSION shall prepare an allegation summary, based on its examination under subsection (a) of this section, setting forth the alleged facts and the issues then known that merit further proceedings.~~

~~(d) After review of a complaint, the [Joint Ethics Committee] ETHICS COMMISSION shall provide a statement of its findings to the accused legislator.~~

~~5-519.~~

~~(a) (1) Except as to proceedings terminated in accordance with § 5-518(b) of this subtitle, the [Joint Ethics Committee] ETHICS COMMISSION shall provide to the accused legislator a copy of:~~

~~(i) the complaint filed or prepared in accordance with § 5-516 of this subtitle; and~~

~~(ii) the allegation summary prepared in accordance with § 5-518(e) of this subtitle.~~

~~(2) The accused legislator shall be allowed an opportunity to file a written answer to the allegation summary.~~

~~(b) Following notification of the accused legislator, the [Joint Ethics Committee] ETHICS COMMISSION may:~~

~~(1) terminate the proceedings; or~~

~~(2) schedule a hearing and notify the accused legislator of the time, location, and procedures of the hearing.~~

~~(e) (1) The [Joint Ethics Committee] ETHICS COMMISSION may amend the allegation summary at any time.~~

~~(2) If an allegation summary is amended under paragraph (1) of this subsection, the accused legislator shall be allowed an opportunity to file a written answer to the amended allegation summary.~~

~~§ 5-520.~~

~~(a) The Joint Ethics Committee shall adopt written procedures for conducting a hearing to consider a complaint, an allegation summary, and a written answer, if any.~~

~~(b) The written procedures adopted by the Joint Ethics Committee under subsection (a) of this section:~~

~~(1) shall be available for public inspection;~~

~~(2) shall be provided to the legislator who is the subject of a hearing;~~

~~(3) shall allow the accused legislator to:~~

~~(i) be represented by counsel;~~

~~(ii) cross-examine witnesses; and~~

~~(iii) be provided an opportunity to inspect, in a reasonable manner, any records that the Joint Ethics Committee intends to use during the hearing, subject to limitations established by the Joint Ethics Committee in the written procedures; and~~

~~(4) subject to items (1) and (2) of this subsection, may be amended by the Joint Ethics Committee at any time.~~

~~(c) (1) (i) If the Joint Ethics Committee determines that a hearing is required under § 5-510(b)(2) of this subtitle, the Joint Ethics Committee, by a two-thirds vote of its full membership, may issue one or more subpoenas that require the appearance of a person, the production of relevant records, and the giving of relevant testimony.~~

~~(ii) If the Joint Ethics Committee exercises subpoena powers under this paragraph, the legislator who is the subject of the investigation may require the Joint Ethics Committee to issue one or more subpoenas on the legislator's behalf.~~

~~(2) A request to appear, an appearance, or a submission of evidence does not limit the subpoena power of the Joint Ethics Committee.~~

~~(3) A subpoena issued under paragraph (1) of this subsection shall be served:~~

~~(i) in the manner provided by law for service of a subpoena in a civil action;~~

~~(ii) before the time that the subpoena sets for appearance or production of records; and~~

~~(iii) with the following documents:~~

~~1. a copy of this title;~~

~~2. a copy of the rules of the Joint Ethics Committee; and~~

~~3. if the subpoena requires the appearance of a person, notice that counsel may accompany the person.~~

~~(4) A person who is subpoenaed to appear at a hearing is entitled to receive the fees and allowances that are provided for a person who is subpoenaed by a circuit court.~~

~~(5) A person may be held in contempt if the person unjustifiably:~~

~~(i) fails or refuses to comply with a subpoena for appearance;~~

~~(ii) appears but fails or refuses to testify under oath; or~~

~~(iii) disobeys a directive of the presiding chair at the hearing to answer a relevant question or to produce a record, including an electronic record, that has been subpoenaed, unless the directive is overruled by a majority vote of the members of the Joint Ethics Committee who are present at the hearing.~~

~~(6) By a two-thirds vote of its full membership, the Joint Ethics Committee may apply for a contempt citation to a circuit court.}]~~

~~5-521.~~

~~(a) The [Joint Ethics Committee] ETHICS COMMISSION may make a finding developed from:~~

~~(1) information presented during the hearing;~~

~~(2) the allegation summary and any amendments to it;~~

~~(3) the written answer of the accused legislator to the allegation summary, if any; and~~

~~(4) any other information provided to the [Joint Ethics Committee] ETHICS COMMISSION and made available to the accused legislator.~~

~~[(b) Consistent with the purposes of this title, the Joint Ethics Committee may establish criteria for making a finding in its written procedures established under § 5-520(a) of this subtitle.}]~~

~~[(c)] (B) If the [Joint Ethics Committee] ETHICS COMMISSION makes a finding under this section, the [Joint Ethics Committee] ETHICS COMMISSION shall:~~

- ~~(1) terminate the proceeding against the accused legislator; or~~
- ~~(2) issue any recommendations to the presiding officer of the house of the accused legislator or to the full house of the accused legislator, including any recommendations for appropriate sanctions.~~

~~5-522.~~

~~If the [Joint Ethics Committee] ETHICS COMMISSION, at any time during its consideration of any complaint or allegation summary or during any proceeding, finds that there are reasonable grounds to believe that a legislator may have committed a crime, the [Joint Ethics Committee] ETHICS COMMISSION shall:~~

- ~~(1) refer the matter to an appropriate prosecuting authority; and~~
- ~~(2) provide any information or evidence to the prosecuting authority that the [Joint Ethics Committee] ETHICS COMMISSION determines is appropriate.~~

~~5-602.~~

~~(a) Except as otherwise provided in this subtitle, a statement filed under § 5-601, § 5-603, § 5-604, or § 5-605 of this subtitle shall:~~

- ~~(1) be filed electronically with the Ethics Commission;~~
- ~~(2) be filed under oath;~~
- ~~(3) be filed on or before April 30 of each year;~~
- ~~(4) cover the calendar year immediately preceding the year of filing; and~~
- ~~(5) contain the information required in § 5-607 of this subtitle.~~

~~[(b) A member of the General Assembly shall file the statement with the Ethics Commission and the Joint Ethics Committee.]~~

~~[(c)] (B) (1) In addition to the statement filed under § 5-601 of this subtitle, a member of the General Assembly shall file a preliminary disclosure on or before the seventh day of the regular legislative session if there will be a substantial change in the statement covering the calendar year immediately preceding the year of filing, as compared to the next preceding calendar year.~~

~~(2) A member of the General Assembly whose statement under § 5-601 of this subtitle will not contain a substantial change is not required to file a preliminary disclosure under paragraph (1) of this subsection.~~

~~(3) The [Joint Ethics Committee] ETHICS COMMISSION shall determine:~~

~~(i) the form of a preliminary disclosure under this subsection; and~~

~~(ii) which aspects of financial disclosure are subject to this subsection.~~

~~(4) A preliminary disclosure shall be filed and maintained, and may be disclosed, in the same manner required for a statement filed under § 5-601 of this subtitle.~~

~~[(d)] (C) (1) The Ethics Commission shall develop and implement procedures:~~

~~(i) for the electronic filing of a statement under this subtitle; and~~

~~(ii) for the Ethics Commission to grant an exemption to the requirement under subsection (a)(1) of this section.~~

~~(2) (i) To comply with the requirement of paragraph (1) of this subsection, the Ethics Commission may adopt regulations to modify the format for disclosure of information required under § 5-607 of this subtitle.~~

~~(ii) The regulations adopted under this paragraph shall be consistent with the intent of this title.~~

~~[(e)] (D) (1) If the financial disclosure statement filed electronically under subsection (d) of this section is required to be made under oath or affirmation, the oath or affirmation shall be made by an electronic signature that is:~~

~~(i) in the financial disclosure statement or attached to and made part of the financial disclosure statement; and~~

~~(ii) made expressly under the penalties for perjury.~~

~~(2) An electronic signature made under paragraph (1) of this subsection subjects the individual making it to the penalties for perjury to the same extent as an oath or affirmation made before an individual authorized to administer oaths.~~

~~5-606.~~

~~(a) (1) The Ethics Commission [and the Joint Ethics Committee] shall maintain the statements submitted under this subtitle and, during normal office hours, make the statements available to the public for examination and copying.~~

~~(2) The Ethics Commission [and the Joint Ethics Committee] may charge a reasonable fee and adopt administrative procedures for the examination and copying of a statement.~~

~~(b) (1) The Ethics Commission [and the Joint Ethics Committee] shall maintain a record of:~~

~~(i) the name and home address of each individual who examines or copies a statement under this section; and~~

~~(ii) the name of the individual whose statement was examined or copied.~~

~~(2) On the request of the individual whose statement was examined or copied, the Ethics Commission [or the Joint Ethics Committee] shall forward to that individual a copy of the record specified in paragraph (1) of this subsection.~~

~~5-607.~~

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

~~(1) the information required under § 5-514(b) of this title; and~~

~~(2) an acknowledgment, signed by the member, that any information required under § 5-514(b) of this title that becomes reportable after the statement is filed shall be reported immediately to the [Joint Ethics Committee] ETHICS COMMISSION as required by § 5-514(b) of this title.~~

~~5-612.~~

~~IF AN OFFICIAL OF THE EXECUTIVE BRANCH IS MARRIED TO A REGISTERED LOBBYIST, THE OFFICIAL SHALL REPORT TO THE ETHICS COMMISSION DETAILS OF ALL PAYMENTS, COMPENSATION, OR OTHER INTERESTS ACCRUING TO THE OFFICIAL'S SPOUSE OR THE SPOUSE'S EMPLOYER AS A RESULT OF SERVICES RENDERED.~~

~~5-717.~~

~~A REGULATED LOBBYIST OR AN INDIVIDUAL WHO IS EMPLOYED BY A BUSINESS ENTITY THAT DERIVES A MAJORITY OF ITS INCOME FROM LOBBYING ACTIVITIES MAY NOT SERVE ON A BOARD.~~

~~Article State Government~~

~~2-706.~~

~~[(a)] The Committee shall:~~

- ~~(1) perform all duties assigned to it by law or by legislative rules;~~
- ~~(2) from time to time, recommend to the presiding officers any changes in or amendments to the rules of legislative ethics;~~
- ~~(3) on request of a member of the General Assembly, issue an advisory opinion regarding the legislative ethics of an action taken or contemplated to be taken by the member;~~
- ~~(4) on its own motion, issue advisory opinions as it deems necessary;~~
- ~~(5) at the request of the President or the Speaker, make recommendations concerning matters referred to the Committee;~~
- ~~(6) as it deems necessary, issue guidelines and establish procedures for the implementation of the rules of legislative ethics; and~~
- ~~(7) maintain public records as the rules require.~~

~~[(b)] (1) The Committee shall maintain the statements filed by members of the General Assembly under Title 15, Subtitle 5 of this article and, during normal office hours, make the statements available to the public for examination and copying.~~

- ~~(2) The Committee shall maintain a record of:

 - ~~(i) the name and home address of each individual who examines or copies a statement filed with the Committee by a member of the General Assembly; and~~
 - ~~(ii) the name of the member whose statement was examined or copied.~~~~
- ~~(3) On the request of the member whose statement was examined or copied, the Committee shall forward to the member a copy of the record maintained by the Committee under paragraph (2)(i) of this subsection.]~~

~~2-709.~~

~~(a) The Executive Director of the Department of Legislative Services, subject to the approval of the President and Speaker, shall appoint an attorney to serve as Counsel to the Committee.~~

~~(b) The Counsel:~~

~~(1) shall devote full time to the duties of the Committee, but may not participate in any investigatory or prosecutorial function;~~

~~(2) may provide information to any person regarding laws, rules, and other standards of ethical conduct applicable to members of the General Assembly;~~

~~[(3) shall carry out any duties prescribed under Title 15, Subtitle 5 of this article;]~~

~~[(4)](3) shall meet individually with each member of the General Assembly each year to:~~

~~(i) advise the member regarding the requirements of any applicable ethics law, rule, or standard of conduct; and~~

~~(ii) assist the member in preparing statements and reports required to be filed with the [Committee] STATE ETHICS COMMISSION under Title 15, Subtitle 5, Part II of this article; and~~

~~[(5)](4) shall conduct seminars, workshops, and briefings for the benefit of members of the General Assembly, as directed by the Committee, the President, or the Speaker.~~

~~(c) The assistance of the Counsel to members of the General Assembly:~~

~~(1) is subject to the attorney-client privilege, as set forth in § 9-108 of the Courts Article;~~

~~(2) is subject to confidentiality [under § 5-517 of the General Provisions Article]; and~~

~~(3) is intended as a service to the members and may not be deemed to diminish a member's personal responsibility for adherence to applicable laws, rules, and standards of ethical conduct.~~

~~(d) The Committee shall have other staff assistance as requested by the Committee and as provided in the budget of the General Assembly.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-101(w) through (aa), (cc) through (ee), (gg) through (kk), and (mm), respectively, of Article General Provisions of the Annotated Code of Maryland be renumbered to be Section(s) 5-101(v) through (z), (bb) through (dd), (ff) through (jj), and (ll), respectively.~~

(a) (1) In this section, “close economic association” means the association between a legislator and:

(i) the legislator’s:

1. employer;
2. employee; or
3. partner in a business or professional enterprise;

(ii) a partnership, limited liability partnership, or limited liability company in which the legislator has invested capital or owns an interest;

(iii) a corporation in which the legislator owns the lesser of:

1. 10% or more of the outstanding capital stock; or
2. capital stock with a cumulative value of [\$25,000]

\$35,000 or more; [and]

(iv) a corporation in which the legislator is an officer, a director, or an agent; AND

(V) AN ENTITY WITH WHICH THE LEGISLATOR IS NEGOTIATING EMPLOYMENT OR HAS ARRANGED PROSPECTIVE EMPLOYMENT.

(2) “Close economic association” does not include a legislator’s ownership of stock directly through a mutual fund, AN EXCHANGE-TRADED FUND, a retirement plan, or any other similar commingled investment vehicle the individual investments of which the legislator does not control or manage.

(b) (1) An interest of a member of the General Assembly conflicts with the public interest if the legislator’s interest tends to impair the legislator’s independence of judgment.

(2) The conflict disqualifies the legislator from participating in any legislative action, or otherwise attempting to influence any legislation, to which the conflict relates.

(c) It is presumed that an interest disqualifies a legislator from participating in legislative action whenever the legislator:

(1) has or acquires a direct interest in an enterprise that would be affected by the legislator's vote on proposed legislation, unless the interest is common to all members of:

- (i) a profession or occupation of which the legislator is a member; or
- (ii) the general public or a large class of the general public;

(2) benefits financially from a close economic association with a person whom the legislator knows has a direct interest in an enterprise or interest that would be affected by the legislator's participation in legislative action, differently from other like enterprises or interests;

(3) benefits financially from a close economic association with a person who is lobbying for the purpose of influencing legislative action; or

(4) solicits, accepts, or agrees to accept a loan, other than a loan from a commercial lender in the normal course of business, from a person who would be affected by or has an interest in an enterprise that would be affected by the legislator's participation in legislative action.

5-513.

(a) (1) Except as provided in paragraph (2) of this subsection, the disqualification arising under § 5-512 of this subtitle is suspended if a legislator with an apparent or presumed conflict files with the Joint Ethics Committee a sworn statement that:

(i) describes the circumstances of the apparent or presumed conflict and the legislation, ~~or~~ class of legislation, **OR LEGISLATIVE ACTION** to which it relates; and

(ii) asserts that the legislator is able to participate in legislative action relating to the ~~legislation~~ **MATTER** fairly, objectively, and in the public interest.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the disqualification arising under § 5-512 of this subtitle may not be suspended if the conflict is direct and personal to:

1. the legislator;
2. a member of the legislator's immediate family; or
3. the legislator's employer.

(ii) This paragraph does not apply to a vote on:

1. the annual operating budget bill, in its entirety; or
2. the annual capital budget bill, in its entirety.

(b) (1) Whenever a legislator files a statement described in subsection (a)(1) of this section, the Joint Ethics Committee on its own motion may issue a statement concerning the propriety of the legislator's participation in the particular legislative action, with reference to the applicable ethical standards.

(2) The suspension of the disqualification by the filing of the statement is subject to further action by the Joint Ethics Committee if the question of conflict comes before the Committee as to the same circumstances and the same legislator.

(c) A member who is disqualified from participating in legislative action under subsection (a)(2)(i) of this section, or who chooses to be excused from participating in legislative action on a bill or class of bills because of the appearance or presumption of a conflict, shall file in a timely manner a statement with the Joint Ethics Committee that describes the circumstances of the apparent or presumed conflict.

(d) All statements filed under this section shall be:

- (1) filed electronically on a form required by the Joint Ethics Committee;
and
(2) maintained as a matter of public record as required in subsection (e) of this section.

(e) (1) The Department of Legislative Services shall:

- (i) compile the statements filed under this section;
(ii) make the statements available for public inspection as provided in the Public Information Act; and

(iii) as to statements filed on or after January 1, 2013, make the statements freely available to the public on the Internet through an online registration program.

(2) As to each statement, the Internet posting shall indicate:

- (i) whether the Joint Ethics Committee has made a determination under subsection (b) of this section;
(ii) the determination made, if any; and

(iii) the date, if any, on which the determination was made.

5-514.

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

(i) subject to paragraph (2) of this subsection, if representing a person for compensation before a State or local government agency, except in a judicial proceeding or in a quasi-judicial proceeding, the name of the person represented, the services performed, and the consideration;

(ii) if representing a State or local government agency for compensation, the name of the agency, the services performed, and the consideration;

(iii) the name of any business enterprise subject to regulation by a State agency in which the legislator and a member of the legislator's immediate family (spouse and children living with the legislator), together or separately, have:

1. the lesser of:

A. 10% or more of the capital stock of any corporation; or

B. capital stock of any corporation with a cumulative value of ~~[\$25,000]~~ **\$35,000** or more; and

2. any interest in a partnership, limited liability partnership, or limited liability company;

(iv) details of any contractual relationship with a governmental entity of the State or a local government in the State, including the subject matter and the consideration;

(v) details of any transaction with a governmental entity of the State or a local government in the State involving a monetary consideration; **[and]**

(vi) **[any primary employment or business interest and the employer of the legislator or the spouse of the legislator.]** except for employment as a legislator, **THE NAME OF ANY:**

1. PRIMARY EMPLOYER OF THE LEGISLATOR;

2. PRIMARY EMPLOYER OF THE LEGISLATOR'S SPOUSE;

AND

3. BUSINESS FROM WHICH THE LEGISLATOR OR THE LEGISLATOR'S SPOUSE RECEIVES EARNED INCOME AS A RESULT OF AN OWNERSHIP INTEREST IN THE BUSINESS;

(VII) EXCEPT IN A JUDICIAL OR QUASI-JUDICIAL PROCEEDING, THE NAME OF ANY CLIENT OF THE LEGISLATOR OR OF A BUSINESS ENTITY IN WHICH THE LEGISLATOR HAS AN OWNERSHIP INTEREST IF THE LEGISLATOR:

1. IS ASSISTING THE CLIENT ~~OR BUSINESS ENTITY~~ IN SEEKING A STATE OR LOCAL GOVERNMENT CONTRACT, LICENSE, OR OTHER COMPETITIVE AWARD; AND

2. WILL RECEIVE OR EXPECTS TO RECEIVE A DIRECT FINANCIAL BENEFIT AS A RESULT OF THE AWARD OF THE CONTRACT, LICENSE, OR OTHER COMPETITIVE AWARD TO THE CLIENT ~~OR BUSINESS ENTITY~~; AND

(VIII) IF THE LEGISLATOR'S SPOUSE IS AN INDIVIDUAL REGULATED LOBBYIST, THE NAME OF EACH ENTITY THAT HAS ENGAGED THE LOBBYIST FOR LOBBYING PURPOSES.

5-602.

(d) (1) The Ethics Commission shall develop and implement procedures[;

(i)] for the electronic filing of a statement under this subtitle[; and

(ii) for the Ethics Commission to grant an exemption to the requirement under subsection (a)(1) of this section].

(2) (i) To comply with the requirement of paragraph (1) of this subsection, the Ethics Commission may adopt regulations to modify the format for disclosure of information required under § 5-607 of this subtitle.

(ii) The regulations adopted under this paragraph shall be consistent with the intent of this title.

(F) ON OR BEFORE JANUARY 15 OF EACH YEAR, A GOVERNMENTAL UNIT SHALL PROVIDE AN INDIVIDUAL WHO IS EMPLOYED BY THE GOVERNMENTAL UNIT AND WHO IS REQUIRED TO FILE A STATEMENT UNDER THIS SUBTITLE A LIST OF ENTITIES THAT DID BUSINESS WITH THE GOVERNMENTAL UNIT DURING THE PRECEDING CALENDAR YEAR.

5-606.

(a) (1) (I) [The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE Ethics Commission and the Joint Ethics Committee shall maintain the statements submitted under this subtitle and, during normal office hours, make the statements available to the public for examination and copying.

~~[(2)] (II) The EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE~~ Ethics Commission and the Joint Ethics Committee may charge a reasonable fee and adopt administrative procedures for the examination and copying of a statement.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, FOR STATEMENTS SUBMITTED ON OR AFTER JANUARY 1, 2019, THE ETHICS COMMISSION SHALL MAKE FREELY AVAILABLE TO THE PUBLIC ON THE INTERNET, THROUGH AN ONLINE REGISTRATION PROGRAM, A FINANCIAL DISCLOSURE STATEMENT REQUIRED UNDER § 5-601(A) OF THIS SUBTITLE AND A PRELIMINARY DISCLOSURE REQUIRED UNDER § 5-602(C) OF THIS SUBTITLE THAT IS FILED BY:

(I) A STATE OFFICIAL;

(II) A CANDIDATE FOR OFFICE AS A STATE OFFICIAL; OR

(III) A SECRETARY OF A PRINCIPAL DEPARTMENT IN THE EXECUTIVE BRANCH.

(3) ~~(4)~~ THE ETHICS COMMISSION AND THE JOINT ETHICS COMMITTEE MAY NOT PROVIDE PUBLIC ACCESS TO A PORTION OF A STATEMENT THAT IS FILED AFTER JANUARY 1, 2019, AND THAT INCLUDES AN INDIVIDUAL'S HOME ADDRESS THAT THE INDIVIDUAL HAS IDENTIFIED AS THE INDIVIDUAL'S HOME ADDRESS.

~~(H) THE ETHICS COMMISSION, IN CONSULTATION WITH THE JOINT ETHICS COMMITTEE, SHALL ADOPT REGULATIONS TO PREVENT PUBLIC DISCLOSURE OF THE HOME ADDRESS OF AN INDIVIDUAL.~~

(b) (1) The Ethics Commission and the Joint Ethics Committee shall maintain a record of:

(i) the name and home address of each individual who examines or copies a statement under this section; and

(ii) the name of the individual whose statement was examined or copied.

(2) On the request of the individual whose statement was examined or copied, the Ethics Commission or the Joint Ethics Committee shall forward to that individual a copy of the record specified in paragraph (1) of this subsection.

5-607.

(g) (1) The statement shall include a schedule, to the extent the individual may reasonably be expected to know, of each debt, excluding retail credit accounts, owed at any time during the applicable period to entities doing business with [the State] OR REGULATED BY THE INDIVIDUAL'S GOVERNMENTAL UNIT:

(i) by the individual; and

(ii) if the individual was involved in the transaction giving rise to the debt, by any member of the immediate family of the individual.

(2) For each debt, the schedule shall include:

(i) the identity of the entity to which the debt was owed;

(ii) the date it was incurred;

(iii) the amount owed at the end of the applicable period;

(iv) the terms of payment;

(v) the extent to which the principal was increased or decreased during the applicable period; and

(vi) any security given.

(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; AND

(III) FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, IF THE INDIVIDUAL'S SPOUSE IS A REGULATED LOBBYIST, ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.

(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.

5-704.

(f) (1) Except as provided in paragraph (2) of this subsection, each registration shall terminate on the earlier of:

(i) the October 31 following the filing of the registration; or

(ii) an earlier termination date specified in the certification filed with respect to that registration under § 5-703 of this subtitle.

(2) A regulated lobbyist may terminate the registration before the date specified in paragraph (1) of this subsection by:

(i) ceasing all activity that requires registration; and

(ii) after ceasing activity in accordance with item (i) of this paragraph:

1. filing a notice of termination with the Ethics Commission;
and

2. filing all reports required by this subtitle within 30 days after the filing of the notice of termination.

(3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, if a regulated lobbyist is or becomes subject to regulation under this title as an official or employee, the regulated lobbyist shall immediately terminate the registration in accordance with paragraph (2) of this subsection.

(ii) [After holding a public hearing, the] THE Ethics Commission shall adopt regulations establishing criteria under which a regulated lobbyist may serve on a State board or commission.

(iii) The regulations adopted under subparagraph (ii) of this paragraph shall:

1. establish a classification of State boards or commissions on which regulated lobbyists may serve;
2. at a minimum authorize a regulated lobbyist to serve as an appointed member of an advisory governmental body of limited duration; [and]
3. as to a regulated lobbyist who serves on a State board or commission, establish disclosure requirements that are substantially similar to disclosure requirements [for members of the General Assembly] UNDER § 5-514 OF THIS TITLE; AND
4. REQUIRE A REGULATED LOBBYIST WHO SERVES ON A BOARD OR COMMISSION AND IS DISQUALIFIED FROM PARTICIPATING IN A SPECIFIC MATTER BECAUSE OF A CONFLICT OF INTEREST TO FILE A STATEMENT OF RECUSAL WITH THE BOARD OR COMMISSION DESCRIBING THE CIRCUMSTANCES OF THE CONFLICT ~~TO BE INCLUDED~~ WHICH SHALL BE RECORDED IN THE MINUTES OF THE MEETING.

Article – State Government

2-710.

(A) IN THIS SECTION, “BOARD” MEANS THE CITIZENS’ ADVISORY BOARD FOR LEGISLATIVE ETHICS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

(B) (1) THERE IS A CITIZENS’ ADVISORY BOARD FOR LEGISLATIVE ETHICS.

(2) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

(I) A MEMBER OF THE PUBLIC WHO SHALL SERVE AS THE CHAIR, APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE;

(II) TWO MEMBERS OF THE PUBLIC, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(III) TWO MEMBERS OF THE PUBLIC, APPOINTED BY THE SPEAKER OF THE HOUSE.

(3) (I) A MEMBER OF THE BOARD:

1. SHALL BE A RESIDENT OF THE STATE;

AND

2. MAY NOT BE A STATE OR LOCAL ELECTED OFFICIAL;

3. MAY NOT BE A REGULATED LOBBYIST.

(II) NO MORE THAN TWO MEMBERS OF THE BOARD AT ANY ONE TIME MAY BE FORMER MEMBERS OF THE GENERAL ASSEMBLY.

(III) THE MEMBERS OF THE BOARD SHALL BE CHOSEN SO THAT EACH POLITICAL PARTY IS REPRESENTED IN APPROXIMATELY THE SAME PROPORTION AS THE PARTY IS REPRESENTED IN THE GENERAL ASSEMBLY.

(IV) IN APPOINTING MEMBERS OF THE BOARD, THE PRESIDING OFFICERS SHALL SEEK INDIVIDUALS WITH A KNOWLEDGE OF OR BACKGROUND IN PUBLIC ETHICS.

(4) (I) THE TERM OF A MEMBER OF THE BOARD IS 2 YEARS AND BEGINS ON JANUARY 1 OF EACH EVEN-NUMBERED YEAR.

(II) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(III) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) WITH THE CONSENT OF THE LEGISLATIVE POLICY COMMITTEE, THE PRESIDENT AND SPEAKER MAY REMOVE A MEMBER FOR INCOMPETENCE OR MISCONDUCT.

(C) THE BOARD SHALL REGULARLY OFFER RECOMMENDATIONS TO THE COMMITTEE AND THE PRESIDING OFFICERS REGARDING CHANGES TO THE PUBLIC ETHICS LAW, THE POLICIES AND PROCEDURES OF THE COMMITTEE, AND PUBLIC ADVISORY OPINIONS OF THE COMMITTEE.

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

Approved by the Governor, April 11, 2017.