

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
State Ethics Commission**  
(DLS Control No. 14-267)

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**Overview and Legal and Fiscal Impact**

These regulations implement Chapter 20 of 2014 (SB 91) by (1) authorizing the State Ethics Commission to issue public notice that a county, municipality, or county board of education has failed to comply with a specified requirement under the Public Ethics Law and (2) requiring the commission to adopt model ethics regulations for county boards of education.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**State Ethics Commission:**

Local Government Ethics Law: Review Procedures: COMAR 19A.04.03.04

Board of Education Ethics Regulations: Review Procedures:  
COMAR 19A.05.03.02 and .03

Model Regulations: COMAR 19A.05.04.01 and .02

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**Legal Analysis**

**Background**

Under Chapter 20 of 2014, the State Ethics Commission is (1) required to adopt by regulation model ethics law provisions for county boards of education and (2) authorized to issue a public notice concerning the failure of a county, municipality, or county board of education to comply with the requirement under the Public Ethics Law to adopt relevant ethics law provisions.

**Summary of Regulations**

The regulations specify that, if the commission determines that a county or municipality or a county board of education has not complied with, and made a good faith effort to comply with, the requirements of the Public Ethics Law, the commission may issue a public notice to that effect and list specific areas of noncompliance in the proposed or enacted local ethics law or regulation. If the commission determines that a board of education has not complied with the requirements of the Public Ethics Law, the commission may issue an order providing that officials and employees of the board of education are subject to the ethics laws of the county in which the board of education is located and seek appropriate relief.

The regulation establishes model ethics standards for county boards of education that a board may use as a guide to craft its own ethics regulations. The model regulations for boards of education include provisions concerning: (1) conflicts of interest; (2) financial disclosure; and (3) lobbying.

### **Legal Issue**

The regulations present no legal issue of concern.

### **Statutory Authority and Legislative Intent**

The regulations cite §§ 5-205 and 5-206 and Title 5, Subtitle 8 of the General Provisions Article as authority for the regulations. Section 5-205 requires the commission to adopt by regulation model ethics law provisions for local governments and boards of education, while section 5-206 grants the commission broad power to adopt regulations to implement its authority under the Public Ethics Law. Title 5, Subtitle 8 sets forth provisions governing local governments and county boards of education and the adoption of applicable ethics regulations for local governments and county boards of education under the Public Ethics Law. This authority is correct and complete. The regulations comply with the legislative intent of the law.

### **Technical Corrections and Special Notes**

The “Notice of Proposed Action” cites COMAR 19A.04.03.04. This is correct; however, COMAR 19A.05.03.02 and 19A.05.04.01 and .02 also should be cited.

### **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The commission advises that the regulations have minimal or no impact on State or local governments. The Department of Legislative Services concurs and notes that the regulations implement Chapter 20 of 2014 (Senate Bill 91). In the fiscal and policy note for that bill, the Department of Legislative Services advised that the bill’s requirements could be handled with existing resources.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The commission advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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