

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	07/07/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 9/2/2016

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
19A 01	01	01	02,.04
19A 01	01	02	02,.05
19A 01	01	03	02,.09,.10
19A 04	04	00	00
19A 04	04	01	03
19A 04	04	02	04,.05
19A 04	04	03	01
19A 05	05	00	00
19A 05	05	02	04,.06
19A 06	06	01	03
19A 06	06	02	04,.05
19A 06	06	03	05,.07
19A 07	07	01	04,.06,.07,.08

3. Name of Promulgating Authority

State Ethics Commission

4. Name of Regulations Coordinator
Jennifer K Allgair

Telephone Number
410-260-7770

Mailing Address

45 Calvert Street

City	State	Zip Code
Annapolis	MD	21401

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jennifer.allgair@maryland.gov

5. Name of Person to Call About this Document	Telephone No.
Michael Lord	410-260-7770

Email Address

michael.lord@maryland.gov

6. Check applicable items:

- New Regulations
 - Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: 07/06/16.
 - Repeal of Existing Regulations
 - Recodification
 - Incorporation by Reference of Documents Requiring DSD Approval
 - Reproposal of Substantively Different Text:
 - : Md. R
 - (vol.) (issue) (page nos) (date)
- Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Jennifer Allgair, General Counsel, (telephone #410-260-7770) on July 7, 2016. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Michael W. Lord

Title

Executive Director

Telephone No.

410-260-7770

Date

July 7, 2016

- Title 19A**
A STATE ETHICS COMMISSION
- 19A.01.01 General Provisions
 - Subtitle 01 PROCEDURES
 - 19A.01.02 Advisory Opinions
 - Subtitle 01 PROCEDURES
 - 19A.01.03 Enforcement Procedures
 - Subtitle 04 LOCAL GOVERNMENT ETHICS LAW
 - 19A.04.00 Appendices A and B -- Model Ethics Laws A and B
 - Subtitle 04 LOCAL GOVERNMENT ETHICS LAW
 - 19A.04.01 General Provisions
 - Subtitle 04 LOCAL GOVERNMENT ETHICS LAW
 - 19A.04.02 Review Criteria
 - Subtitle 04 LOCAL GOVERNMENT ETHICS LAW
 - 19A.04.03 Review Procedures
 - Subtitle 05 BOARD OF EDUCATION ETHICS REGULATIONS
 - 19A.05.00 Appendices A and B -- Model Board of Education Ethics Regulations
 - Subtitle 05 BOARD OF EDUCATION ETHICS REGULATIONS
 - 19A.05.02 Review Criteria
 - Subtitle 06 BLIND TRUSTS
 - 19A.06.01 General Provisions
 - Subtitle 06 BLIND TRUSTS
 - 19A.06.02 Criteria for Certification and Exception
 - Subtitle 06 BLIND TRUSTS
 - 19A.06.03 Procedural Requirements
 - Subtitle 07 LOBBYING
 - 19A.07.01 General

Authority: See attached regulation changes.

Notice of Proposed Action

□

The Maryland State Ethics Commission proposes to adopt amendments to Regulations .02 and .04 under COMAR 19A.01.01; adopt amendments to Regulations .02 and .05 under COMAR 19A.01.02; adopt amendments to Regulations .02, .09 and .10 under COMAR 19A.01.03; adopt amendments to Appendix A and Appendix B under COMAR 19A.04.00; adopt amendments to Regulation .03 under COMAR 19A.04.01; adopt amendments to Regulations .04 and .05 under COMAR 19A.04.02; adopt amendments to Regulation .01 under COMAR 19A.04.03; adopt amendments to Appendix A and Appendix B under COMAR 19A.05.00; adopt amendments to Regulations .04 and .06 under COMAR 19A.05.02; adopt amendments to Regulations .04 and .06 under COMAR 19A.05.02; adopt amendments to Regulation .03 under COMAR 19A.06.01; adopt amendments to Regulation .04 and repeal regulation .05 under COMAR 19A.06.02; adopt amendments to Regulation .05 and repeal regulation .07 under COMAR 19A.06.03; adopt amendments to Regulations .04, .06, .07 and .08 under COMAR 19A.07.01.

Statement of Purpose

The purpose of this action is to update State Ethics Commission regulations to conform to the provisions of the General Provisions Article, Title 5, to update provisions related to filing of motions, blind trusts and office/copying hours, and to correct reference errors.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael W. Lord, Executive Director, State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, Maryland 21401, or call 410-260-

7770, or email to michael.lord@maryland.gov, or fax to 410-260-7746. Comments will be accepted through October 7, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by State Ethics Commission during a public meeting to be held on October 27, 2016, at the Commission's office..

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2017

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used: No funding required.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly: The regulations largely relate to procedures for the implementation of General Provisions Article, Title 5 without imposing any additional obligations on the State Ethics Commission, other State agencies, local governments, regulated industries or trade groups or the general public.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The regulations largely relate to procedures for the implementation of General Provisions Article, Title 5 without imposing any additional obligations on small businesses.

G. Small Business Worksheet:

None of the impacts identified in the small business worksheet are implicated by these regulations.

Attached Document:

Title 19A

STATE ETHICS COMMISSION

Subtitle 01 PROCEDURES

Chapter 01 General Provisions

Authority: General Provisions Article, §5-206, Annotated Code of Maryland

.02 Definitions.

In this title, the following terms have the meanings indicated:

A. – J. (text unchanged)

K. "Gift" means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with the provisions of [Article 33, §26-1 et seq.]*the Election Law Article*, Annotated Code of Maryland, or any other provisions of State law regulating the conduct of elections or the receipt of political campaign contributions.

L. (text unchanged).

M. "Interest" means any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly. For purposes of General Provision Article, Title 5, Subtitle 6, "interest" applies to interests held at any time during the calendar year for which a required statement is to be filed. "Interest" does not include:

(1) – (2) (text unchanged)

(3) An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; [or]

(4) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under [sections 401 and 501 of] the Internal Revenue Code [of 1954.]*or a qualified tuition plan established pursuant to Section 529 of the Internal Revenue Code; or*

(5) *A mutual fund that is publicly traded on a national scale unless the mutual 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.*

N. – Z. (text unchanged)

.04 Information Provisions.

A. (text unchanged)

B. The records of the Commission shall be maintained at the Commission's offices. [Records available for public inspection and copying shall be available during] *The Commission's normal business hours are[,] Monday through Friday (except State holidays), 8:00 a.m. to 4:30 p.m., and hours for public inspection and copying of records are 9:00 a.m. to 3:00 p.m. on normal business days.*

C. Commission records pertaining to advisory opinion requests *and informal advice* considered in accordance with COMAR 19A.01.02 may not be disclosed, to the extent that they include facts, discussion, or other material that would reveal the identity of the person who is the subject of the opinion, and the subject of the opinion has not waived the right to protection of [his] *the subject's* identity. Advisory opinion request *and informal advice* records shall be *treated as set forth in General Provisions Article, Subtitle 3, and* considered by the Commission to be nondisclosable under this section until the right to protection of [his] *the subject's* identity is expressly waived by the subject.

D. All Commission records pertaining to a complaint considered in accordance with COMAR 19A.01.03 shall[, following the filing of a complaint and unless and until the matter is referred for prosecution or a finding of a violation is made,] be treated confidentially and not disclosed to any person except as set forth in General Provisions Article, §5-407, Annotated Code of Maryland, and COMAR 19A.01.03.02[A]B. Investigatory records pertaining to preliminary inquiries initiated by the Commission pursuant to COMAR 19A.01.03.03[B] *are privileged and* shall also be treated confidentially.

E. (text unchanged)

F. Except to confirm or deny the existence of a document or to disclose the name and limited identifying information, Commission staff will not disclose over the telephone any information contained in financial disclosure [and lobbying disclosure] statements filed pursuant to General Provisions Article, Title 5, Subtitle[s] 6[and 7], Annotated Code of Maryland.

G. Copying Fees.

(1) – (2) (text unchanged)

(3) *Before copying a record, the custodian shall estimate the cost of reproduction and either obtain the agreement of the applicant to pay the cost or demand prepayment of any estimated fee before reproducing the record.*

Title 19A

STATE ETHICS COMMISSION

Subtitle 01 PROCEDURES

Chapter 02 Advisory Opinions

Authority: General Provisions Article, Title 5, Subtitle 3, Annotated Code of Maryland

.02 Who May Request.

A. Any official or employee or other person identified in Regulation .01 may request an advisory opinion concerning application to [him] *the requester* of the provisions of the Public Ethics Law, or, as to members of the General Assembly, General Provisions Article, Title 5, Subtitle 6, Annotated Code of Maryland. The Commission shall accept and process these advisory opinion requests in accordance with the procedures set forth in this chapter.

B. Advisory opinions may be requested by an official or employee of the State as to matters covered by the Public Ethics Law concerning another official or employee under [his] *the requester's* supervision. These requests shall be accepted and processed by the Commission in accordance with this chapter.

C. (text unchanged)

.05 Review Procedures.

A. (text unchanged)

B. Informal Advice.

(1) (text unchanged)

(2) If the person who receives an informal response pursuant to §B(1) of this regulation believes that facts or law peculiar to the request are contrary to the existing opinion, then further formal *or informal* review by the Commission may be requested.

(3) – (4) (text unchanged)

(5) The Commission may also provide informal advice when there is no prior staff advice *or*, when, based on the facts of the particular situation, formal advice is not required.

(6) (text unchanged)

(7) Materials and documents relating to informal [opinions] *advice* shall be treated as advisory opinion materials for purposes of the information provisions set forth in COMAR 19A.01.01.04.

C. – E. (text unchanged)

Title 19A

STATE ETHICS COMMISSION

Subtitle 01 PROCEDURES

Chapter 03 Enforcement Procedures

Authority: General Provisions Article, Title 5, Subtitle 4, Annotated Code of Maryland

.02 General Provisions.

A. (text unchanged)

B. Confidentiality.

(1) – (3) (text unchanged)

(4) Confidentiality after Hearing.

(a) The confidentiality requirements apply, as set forth in §B(4)(b)----(c) of this regulation, to written reports setting forth findings of fact and conclusions of law required after a hearing by General Provisions Article, [§15-405]§5-405, Annotated Code of Maryland and Regulation .11 of this chapter.

(b) (text unchanged)

(c) When there is a finding of violation as to any allegation of the complaint, the written report *of the Commission*[, including findings and conclusions of any nonviolations,] shall be a public record.

C. – G. (text unchanged)

.09 Prehearing Process.

A. (text unchanged)

B. Prehearing Conferences.

(1) (text unchanged)

(2) Notice shall be provided to the staff counsel and respondent of the date, time, and place of a prehearing conference called pursuant to §[A]B.(1) of this regulation, as set forth in Regulation .02F of this chapter.

(3) – (7) (text unchanged)

C. Motions.

(1) – (2) (text unchanged)

(3) A response to a motion shall be filed with the Commission [at least 5] *within 10* working days after receiving the initial motion.

(4) – (5) (text unchanged)

D. (text unchanged)

.10 Conduct of Hearing.

A. – F. (text unchanged)

G. Hearing Record.

- (1) (text unchanged)
- (2) An official record of the hearing shall be developed, including the following:
 - (a) – (g) (text unchanged)
 - (h) The decision of the Commission issued pursuant to Regulation [.07] .11 of this chapter; and
 - (i) (text unchanged)

Title 19A

STATE ETHICS COMMISSION

Subtitle 04 LOCAL GOVERNMENT ETHICS LAW

Appendix A — Model Ethics Law A

Authority: General Provisions Article, §§5-205, 5-206, and Title 5, Subtitle 8, Annotated Code of Maryland

CHAPTER ____ — ETHICS PROVISIONS

Section 1. – Section 2. (text unchanged)

Section 3. Definitions.

In this chapter, the following terms have the meanings indicated.

- (a) – (i) (text unchanged)
- (j) (1) – (2) (text unchanged)
- (3) "Interest" does not include:
 - (i) – (iii) (text unchanged)
 - (iv) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; [or]
 - (v) A college savings plan under the Internal Revenue Code[.]; *or*
 - (vi) *A mutual fund that is publicly traded on a national scale unless the mutual 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.*
- (k) – (o) (text unchanged)

Section 4. Administration.

- (a) – (l) (text unchanged)
- (m) The Commission may:
 - (1) Assess a late fee of \$[2]5 per day up to a maximum of \$[250]500 for a failure to timely file a financial disclosure statement required under §6 or 7 of this chapter; and
 - (2) Assess a late fee of \$10 per day up to a maximum of \$[250]1000 for a failure to file a timely lobbyist registration or lobbyist report required under §8 of this chapter.

Section 5. Prohibited conduct and interests.

- (a) – (g) (text unchanged)
- [(h) Participation in procurement.
 - (1) An individual or a person that employs an individual who assists a *County, City, or Town* agency or unit in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
 - (2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.]

Section 6. Financial disclosure — elected officials, officials, and employees.

- (a) This section applies to all elected officials, all candidates to be elected officials, and the following [county]*County, City, or Town* employees:
 - List by Job Title
 - (b) – (i) (text unchanged)

Section 7. – Section 10. (text unchanged)

Appendix B — Model Ethics Law B

CHAPTER ____ — ETHICS PROVISIONS

Section 1. – Section 3. (text unchanged)

Section 4. Conflicts of interest.

(a) – (i) (text unchanged)

[(j) Participation in procurement.

(1) An individual or a person that employs an individual who assists a *County, City, or Town* agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.]

Section 5. – Section 8. (text unchanged)

Section 9. Enforcement.

(a) The Commission may:

(1) Assess a late fee of \$[2]5 per day up to a maximum of \$[250]500 for a failure to timely file a financial disclosure statement required under §5 or 6 of this chapter;

(2) Assess a late fee of \$10 per day up to a maximum of \$[250]1000 for a failure to file a timely lobbyist registration or lobbyist report required under §7 of this chapter; and

(3) (text unchanged)

(b) – (g) (text unchanged)

Title 19A STATE ETHICS COMMISSION

Subtitle 04 LOCAL GOVERNMENT ETHICS LAW

Chapter 01 General Provisions

Authority: General Provisions Article, §5-206, and Title 5, Subtitle 8, Annotated Code of Maryland

.03 Enactment of Local Laws.

A. Except as provided in COMAR [19A.04.04]19A.04.03 of this subtitle, each county and municipality shall enact a local ethics law that includes:

(1) (text unchanged)

(2) Conflicts of interest and financial disclosure provisions *for individuals other than elected local officials that are* similar to the provisions of the Public Ethics Law; and

(3) (text unchanged)

B. (text unchanged)

Title 19A

ETHICS COMMISSION

Subtitle 04 LOCAL GOVERNMENT ETHICS LAW

Chapter 02 Review Criteria

Authority: General Provisions Article, §§5-206, §5-209 and Title 5, Subtitle 8, Annotated Code of Maryland

.04 Conflicts of Interest.

A. Similarity to Public Ethics Law.

(1) Unless the Commission grants the county or municipality a modification or exemption as provided in COMAR 19A.04.03.03 *in accordance with General Provisions Article, §§5-209 and 5-808, Annotated Code of*

Maryland, to be equivalent to the requirements of and similar to the Public Ethics Law, the local ethics law shall address conflicts of interest restrictions as described in this regulation.

(2) (text unchanged)

B. – H. (text unchanged)

[I. Procurement.

(1) The local law shall include, for elected local officials, the procurement restrictions included in State Government Article, §15-508, Annotated Code of Maryland.

(2) The local law may prohibit an individual or a person that employs an individual who assists a local government unit in the drafting of specifications, an invitation for bids, a request for proposals for a procurement, or the selection or award made in response to an invitation for bids or request for proposals from:

(a) Submitting a bid or proposal for that procurement; or

(b) Assisting or representing another person, directly or indirectly, who is submitting a bid or proposal for that procurement.]

.05 Financial Disclosure.

A. Unless the Commission grants a county or municipality a modification or exemption as provided in COMAR 19A.04.03.03 *in accordance with General Provisions Article, §§5-209 and 5-809, Annotated Code of Maryland*, the local law shall include financial disclosure requirements as described in this regulation.

B. – E. (text unchanged)

Title 19A

STATE ETHICS COMMISSION

Subtitle 04 LOCAL GOVERNMENT ETHICS LAW

Chapter 03 Review Procedures

Authority: General Provisions Article, §§5-206 and 5-209, and Title 5, Subtitle 8, Annotated Code of Maryland

.01 Certification and Submission to the Commission.

A. On or before October 1 of each year, the local ethics commission or other appropriate entity of a county or municipality shall certify to the Commission on the form provided by the Commission that the county or municipality is in compliance with COMAR [19a.04.01.03]19A.04.01.03 and General Provisions Article, §5-807, Annotated Code of Maryland.

B. (text unchanged)

Title 19A

STATE ETHICS COMMISSION

Subtitle 05 BOARD OF EDUCATION ETHICS REGULATIONS

Appendix A — Model Board of Education Ethics Regulations

Authority: General Provisions Article, §§5-205, 5-206 and 5-815—5-820, Annotated Code of Maryland

CHAPTER ____ — ETHICS PROVISIONS

Section 1. – Section 2. (text unchanged)

Section 3. Definitions.

In these regulations, the following terms have the meanings indicated.

(a) – (h) (text unchanged)

(i) (1) – (2) (text unchanged)

(3) “Interest” does not include:

(i) – (iii) (text unchanged)

(iv) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; [or]

(v) A college savings plan under the Internal Revenue Code[.]; *or*

(vi) *A mutual fund that is publicly traded on a national scale unless the mutual 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.*

(j) – (q) (text unchanged)

Section 4. (text unchanged)

Section 5. Prohibited conduct and interests.

(a) – (g) (text unchanged)

[(h) Procurement.

(1) An individual or person that employs an individual who assists the school system or Board in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.]

Section 6. – Section 8 (text unchanged)

Appendix B — Model Board of Education Ethics Regulations

Authority: General Provisions Article, §§5-205, 5-206 and 5-815—5-820, Annotated Code of Maryland

CHAPTER ____—ETHICS PROVISIONS

Section 1. – Section 2. (text unchanged)

Section 3. Conflicts of interest.

(a) – (h) (text unchanged)

[(i) Procurement.

(1) An individual or person that employs an individual who assists a school system or Board of Education in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

(2) The Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.]

Section 4. – (Section 8) (text unchanged)

Title 19A

STATE ETHICS COMMISSION

Subtitle 05 BOARD OF EDUCATION ETHICS REGULATIONS

Chapter 02 Review Criteria

Authority: General Provisions Article, §§5-815-5-820, Annotated Code of Maryland

.04 Conflicts of Interest.

A. – H. (text unchanged)

[I. Procurement.

(1) The regulations shall include, for members of the school board, the procurement restrictions included in State Government Article, §15-508, Annotated Code of Maryland.

(2) The regulations may prohibit an individual or a person that employs an individual who assists a school system unit in the drafting of specifications, an invitation for bid, a request for proposals for a procurement, or the selection or award made in response to an invitation for bids or request for proposals from:

(a) Submitting a bid or proposal for that procurement; or

(b) Assisting or representing another person, directly or indirectly, who is submitting a bid or proposal for that procurement.]

.06 Lobbying.

A. Lobbying Registration.

(1) To be substantially similar to the Public Ethics Law, the regulations shall require, at a minimum, that a person register as a lobbyist with the entity responsible for implementing the regulations on the form provided by *the* entity if the person provides members of the school board, school officials, or school employees with food, entertainment, or other gifts exceeding an amount specified in the regulations during a period specified in the regulations in connection with efforts to influence official school board or school system actions.

(2) The regulations shall require that a lobbyist registration [shall]:

(a) Identify the lobbyist, the subject matters on which the lobbyist will lobby, and any other person for whom the lobbyist lobbies; and

(b) Cover a defined period of time, as specified in the regulations.

B. – D. (text unchanged)

Title 19A

STATE ETHICS COMMISSION

Subtitle 06 BLIND TRUSTS

Chapter 01 General Provisions

Authority: General Provisions Article, §§5-206, 5-501, 5-502, and 5-608, Annotated Code of Maryland

.03 Effect of Blind Trust Certification [or Exception].

A. An interest is not viewed as held by an official or employee for purposes of General Provisions Article, Title 5, Annotated Code of Maryland, if[:

(1) The] *the* interest of the official or employee is included in a certified blind trust as set forth in this subtitle[; or

(2) The interest is held in a trust determined by the Commission to be an excepted blind trust pursuant to COMAR 19A.06.02.05].

B. (text unchanged)

Title 19A

STATE ETHICS COMMISSION

Subtitle 06 BLIND TRUSTS

Chapter 02 Criteria for Certification[and Exception]

Authority: General Provisions Article, §§5-206, 5-501, 5-502, and 5-608, Annotated Code of Maryland

.04 Features of the Trust.

A. – G. (text unchanged)

H. The trust instrument shall provide for termination of the trust at the earliest of the following:

[(1) On April 30, 1991, for trusts established before that date, if legislation has not been enacted regarding disclosure of trust assets;]

[(2)](1) Upon termination of the official's or employee's State service;

[(3)](2) In case of the official's or employee's death or incompetence;

[(4)](3) Upon revocation of trust certification by the Commission pursuant to COMAR 19A.06.03.04; or

[(5)](4) For cause at the request of the official or employee and with the prior approval of the Commission.

[.05 Requirements for Exception.

A trust may be excepted if:

A. It was established before October 1, 1995;

B. It was not created directly by the official or employee or a spouse or dependent child of the official or employee;

C. The holdings or sources of income of the trust are not known to and may not be known to the official or employee or the spouse or dependent child of the official or employee;

D. The status of the trust is documented by the official or employee as set forth in COMAR 19A.06.03.07; and

E. The Commission determines that exception is consistent with the purposes of State Government Article, Title 15, Annotated Code of Maryland, and this subtitle.]

Title 19A

STATE ETHICS COMMISSION

Subtitle 06 BLIND TRUSTS

Chapter 03 Procedural Requirements

Authority: General Provisions Article, §§5-206, 5-501, 5-502, and 5-608, Annotated Code of Maryland

.05 Termination.

A. Within 60 days of termination of a trust for any reason as set forth in COMAR [19A.06.02.04G] *19A.06.02.04H* the official or employee shall file a public financial disclosure statement in accordance with the provisions of General Provisions Article, §5-607, Annotated Code of Maryland, disclosing the assets of the trust as of the date of termination.

B. (text unchanged)

[.07 Procedures for Excepted Blind Trusts.

A. A request from an official or employee for exception as to interests held in a trust pursuant to COMAR 19A.06.02.05 shall:

(1) Be in writing;

(2) Include the following:

(a) A copy of the trust instrument, excluding testamentary provisions,

(b) A copy of a written request by the official or employee for disclosure of interests held by the trust, and

(c) A determination under oath from the trustees or managers of the trust that the interests held by the trust may not be disclosed to the official or employee, or the official's or employee's spouse or dependent children; and

(3) Provide for access by the Commission staff to review trust assets, as determined by the Commission.

B. The official or employee shall certify under oath that an excepted blind trust continued to meet the requirements of this chapter annually:

(1) With submission of the official's financial disclosure statement submitted pursuant to State Government Article, Title 15, Subtitle 6, Annotated Code of Maryland; or

(2) On the anniversary date of the Commission's exception determination pursuant to this chapter, if the employee does not file financial disclosure.]

Title 19A

STATE ETHICS COMMISSION

Subtitle 07 LOBBYING

Chapter 01 General

Authority: General Provisions Article, §5-206 and Title 5, Subtitle 7, Annotated Code of Maryland

.04 Registration with Commission.

A. – C. (text unchanged)

D. A regulated lobbyist shall register with the Ethics Commission:

(1) (text unchanged)

(2) On or before November 1 of each year if *on that date* the lobbyist has not yet *submitted a new registration* [registered] and the lobbyist [will be] *is* engaged in lobbying activity *which will continue in* [during] the upcoming lobbying reporting period.

E. – F. (text unchanged)

.06 Lobbyist Disclosure — Boards and Commissions.

A. At the time [of appointment, each] *a* regulated lobbyist *is appointed to serve* [who serves] on a board or commission subject to the jurisdiction of the Ethics Commission, or at the time a board or commission member becomes subject to the lobbying regulations, the regulated lobbyist shall file a report:

(1) – (5) (text unchanged)

B. – D. (text unchanged)

.07 Reports.

A. (text unchanged)

B. Each lobbying activity report required by this section shall include:

(1) A complete, current statement of the information required under Regulation [.03B].04B of this chapter;

(2) (text unchanged)

C. – F. (text unchanged)

.08 Meals or Beverages — Executive Branch Activity.

A. – E. (text unchanged)

F. If a regulated lobbyist reports gifts of meals or beverages in accordance with this regulation, the regulated lobbyist need not count or report them under Regulation [.07C].07E of this chapter.