

SENATE BILL 554

G2

2lr1170

By: **Senator Getty**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics – Financial Disclosure – Local Officials**

3 FOR the purpose of establishing that certain enhanced financial disclosure
4 requirements for elected municipal officials apply only to municipal
5 corporations that exceed a certain population level; clarifying the application of
6 certain local financial disclosure requirements; and generally relating to
7 financial disclosure requirements for local officials.

8 BY repealing and reenacting, without amendments,
9 Article – State Government
10 Section 15–209 and 15–803
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2011 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – State Government
15 Section 15–805
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2011 Supplement)

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

20 **Article – State Government**

21 15–209.

22 (a) The Ethics Commission may exempt from this title or may modify the
23 requirements of this title as to a board, member of a board, or a municipal corporation
24 if the Ethics Commission finds that, because of the nature of the board or the size of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the municipal corporation, the application of this title to that board, member, or
2 municipal corporation:

3 (1) would be an unreasonable invasion of privacy;

4 (2) would significantly reduce the availability of qualified individuals
5 for public service; and

6 (3) is not necessary to preserve the purposes of this title.

7 (b) Subject to § 15–502(d) of this title, the Ethics Commission may grant an
8 exemption to a board or member of a board only on written request of the executive
9 unit involved.

10 (c) Notwithstanding any other provision of this title, the records of the
11 Ethics Commission in any matter in which an exemption is granted under this title
12 shall be available for public inspection.

13 15–803.

14 (a) Subject to § 15–209 of this title, each county and each municipal
15 corporation shall enact provisions to govern the public ethics of local officials relating
16 to:

17 (1) conflicts of interest;

18 (2) financial disclosure; and

19 (3) lobbying.

20 (b) Each local ethics commission or appropriate entity shall certify to the
21 Ethics Commission that the county or municipal corporation is in compliance with the
22 requirements for elected local officials of this Part I on or before October 1 of each
23 year.

24 15–805.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) “Elected local official” includes:

27 (i) any individual who holds an elective office of a county or
28 municipal corporation; and

29 (ii) a candidate for elective office as a local official of a county or
30 municipal corporation.

1 (3) “Local official” includes an individual, designated as a local official,
2 whose position is funded wholly or partly by the State.

3 (b) (1) Except as provided in paragraph (2) of this subsection and
4 subsection (c) of this section, the financial disclosure provisions **FOR LOCAL**
5 **OFFICIALS AND, IN A MUNICIPAL CORPORATION THAT HAS A POPULATION OF**
6 **10,000 PERSONS OR LESS, ELECTED LOCAL OFFICIALS** enacted by a county or
7 municipal corporation under § 15–803 of this subtitle shall be similar to the provisions
8 of Subtitle 6 of this title, but shall be modified to the extent necessary to make the
9 provisions relevant to the prevention of conflicts of interest in that jurisdiction.

10 (2) The financial disclosure provisions for elected local officials enacted
11 by a county or A municipal corporation **THAT HAS A POPULATION EXCEEDING**
12 **10,000 PERSONS** under § 15–803 of this subtitle shall be equivalent to or exceed the
13 requirements of Subtitle 6 of this title, but shall be modified to the extent necessary to
14 make the provisions relevant to the prevention of conflicts of interest in that
15 jurisdiction.

16 (c) (1) This subtitle does not compel the governing body of a county or
17 municipal corporation to require a local official to file a financial disclosure statement
18 except:

19 (i) when the personal interest of the local official will present a
20 potential conflict with the public interest in connection with an anticipated public
21 action of the local official; and

22 (ii) at least annually to report on gifts received by the local
23 official.

24 (2) The provisions shall require:

25 (i) that a statement filed under paragraph (1)(i) of this
26 subsection be filed sufficiently in advance of the action to provide adequate disclosure
27 to the public; and

28 (ii) a statement filed by an elected local official under subsection
29 (b)(2) of this section to be filed on or before April 30 of each year.

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2012.