

SENATE BILL 91

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4lr0025

(PRE-FILED)

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

Requested: September 30, 2013

Introduced and read first time: January 8, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Ethics Commission – Local Governments and School Boards –**
3 **Compliance Enforcement**

4 FOR the purpose of requiring the State Ethics Commission to adopt certain model
5 provisions for school boards; providing that a certain model provision may be
6 adopted by or imposed on a school board under certain circumstances;
7 authorizing the State Ethics Commission, after making a certain determination,
8 to issue a certain order directing a county or municipal corporation or school
9 board to comply with certain provisions of the Public Ethics Law; authorizing
10 the State Ethics Commission to petition a certain circuit court to compel a
11 school board to comply with certain provisions of the Public Ethics Law; and
12 generally relating to the State Ethics Commission and local governments and
13 school boards.

14 BY repealing and reenacting, with amendments,
15 Article – State Government
16 Section 15–205(b) and 15–808
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2013 Supplement)

19 BY adding to
20 Article – State Government
21 Section 15–816
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2013 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Government**

2 15–205.

3 (b) (1) The Ethics Commission shall adopt by regulation model provisions
4 for local governments **AND SCHOOL BOARDS** that relate to:

5 (i) conflicts of interest;

6 (ii) financial disclosure; and

7 (iii) regulation of lobbying.

8 (2) Model provisions adopted under paragraph (1) of this subsection
9 may be:10 (i) adopted by any local jurisdiction **OR SCHOOL BOARD**; or11 (ii) in accordance with Subtitle 8 of this title, imposed on a local
12 jurisdiction **OR SCHOOL BOARD**.

13 15–808.

14 (a) If the Ethics Commission determines that a county or municipal
15 corporation has not complied with **AND HAS NOT MADE GOOD-FAITH EFFORTS**
16 **TOWARD COMPLIANCE WITH** the requirements of this Part I, the Ethics Commission:17 **(1) MAY ISSUE AN ORDER DIRECTING THE COUNTY OR MUNICIPAL**
18 **CORPORATION TO COMPLY WITH THIS PART I, INCLUDING A LISTING OF**
19 **SPECIFIC AREAS OF NONCOMPLIANCE; AND**20 **(2)** may petition a circuit court with venue over the proceeding for
21 appropriate relief to compel compliance.

22 (b) The circuit court may grant any available equitable relief.

23 **15–816.**24 **(A) IF THE ETHICS COMMISSION DETERMINES THAT A SCHOOL BOARD,**
25 **AS REQUIRED UNDER § 15–812(A)(2) OF THIS SUBTITLE, HAS NOT COMPLIED**
26 **WITH AND HAS NOT MADE GOOD-FAITH EFFORTS TOWARD COMPLIANCE WITH**
27 **THE REQUIREMENTS OF THIS PART II, THE ETHICS COMMISSION:**

1 **(1) MAY ISSUE AN ORDER DIRECTING THE SCHOOL BOARD TO**
2 **COMPLY WITH THIS PART II, INCLUDING A LISTING OF SPECIFIC AREAS OF**
3 **NONCOMPLIANCE;**

4 **(2) MAY ISSUE AN ORDER PROVIDING THAT OFFICIALS AND**
5 **EMPLOYEES OF THE SCHOOL BOARD ARE SUBJECT TO THE LOCAL ETHICS LAWS**
6 **IN THE COUNTY IN WHICH THE SCHOOL BOARD IS LOCATED; AND**

7 **(3) MAY PETITION A CIRCUIT COURT WITH VENUE OVER THE**
8 **PROCEEDING FOR APPROPRIATE RELIEF TO COMPEL COMPLIANCE.**

9 **(B) THE CIRCUIT COURT MAY GRANT ANY AVAILABLE EQUITABLE**
10 **RELIEF.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2014.