G2 6lr2724 CF 6lr1316

By: Senator Conway

Introduced and read first time: January 29, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable Senate action: Adopted

Read second time: March 9, 2016

CHAPTER

1 AN ACT concerning

2 Ethics - Local Government - Conflict of Interest and Financial Disclosure

- FOR the purpose of requiring that certain authorized modifications of local conflict of interest and financial disclosure laws and regulations be made in accordance with regulations adopted by the State Ethics Commission and consistent with certain intent; authorizing rather than requiring a county or municipal corporation to modify certain local financial disclosure laws under certain circumstances; and generally relating to local conflict of interest and financial disclosure laws and regulations.
- 10 BY repealing and reenacting, without amendments,
- 11 Article General Provisions
- 12 Section 5–807
- 13 Annotated Code of Maryland
- 14 (2014 Volume and 2015 Supplement)
- 15 BY repealing and reenacting, with amendments,
- 16 Article General Provisions
- 17 Section 5–808, 5–809, 5–816, and 5–817
- 18 Annotated Code of Maryland
- 19 (2014 Volume and 2015 Supplement)
- 20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND.
- 21 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article - General Provisions

- 2 5-807.
- 3 (a) Subject to § 5–209 of this title, each county and each municipal corporation 4 shall enact provisions to govern the public ethics of local officials relating to:
- 5 (1) conflicts of interest;
- 6 (2) financial disclosure; and
- 7 (3) lobbying.
- 8 (b) On or before October 1 of each year, each local ethics commission or 9 appropriate entity shall certify to the Ethics Commission that the county or municipal corporation is in compliance with the requirements of this part for elected local officials.
- 11 5–808.
- 12 (a) Except as provided in subsection (b) of this section, the conflict of interest 13 provisions enacted by a county or municipal corporation under § 5–807 of this subtitle:
- 14 (1) shall be similar to the provisions of Subtitle 5 of this title; but
- 15 (2) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE ETHICS
 16 COMMISSION AND CONSISTENT WITH THE INTENT OF THIS TITLE, may be modified to
 17 the extent necessary to make the provisions relevant to the prevention of conflicts of
 18 interest in that jurisdiction.
- 19 (b) The conflict of interest provisions for elected local officials enacted by a county 20 or municipal corporation under § 5–807 of this subtitle:
- 21 (1) shall be equivalent to or exceed the requirements of Subtitle 5 of this 22 title; but
- 23 (2) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE ETHICS
 24 COMMISSION AND CONSISTENT WITH THE INTENT OF THIS TITLE, may be modified to
 25 the extent necessary to make the provisions relevant to the prevention of conflicts of
 26 interest in that jurisdiction.
- 27 5–809.
- 28 (a) In this section, "local official" includes an individual who is designated as a local official and whose position is funded wholly or partly by the State.

- 1 (b) (1) Except as provided in paragraph (2) of this subsection and subsection 2 (c) of this section, the financial disclosure provisions enacted by a county or municipal 3 corporation under § 5–807 of this subtitle: 4 (i) shall be similar to the provisions of Subtitle 6 of this title; but 5 (ii) [shall] IN ACCORDANCE WITH REGULATIONS ADOPTED BY 6 THE ETHICS COMMISSION AND CONSISTENT WITH THE INTENT OF THIS TITLE, MAY 7 be modified to the extent necessary to make the provisions relevant to the prevention of 8 conflicts of interest in that jurisdiction. 9 (2)The financial disclosure provisions for elected local officials enacted by 10 a county or municipal corporation under § 5–807 of this subtitle: 11 (i) shall be equivalent to or exceed the requirements of Subtitle 6 of 12 this title; but 13 (ii) [shall] IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE ETHICS COMMISSION AND CONSISTENT WITH THE INTENT OF THIS TITLE, MAY 14 15 be modified to the extent necessary to make the provisions relevant to the prevention of 16 conflicts of interest in that jurisdiction. 17 This subtitle does not compel the governing body of a county or (1)18 municipal corporation to require a local official to file a financial disclosure statement 19 except when the personal interest of the local official will present a potential conflict with 20 the public interest in connection with an anticipated public action of the local official. 21The governing body of a county or municipal corporation shall require 22a local official to file a financial disclosure statement at least annually to report on gifts 23received by the local official. 24(3)The financial disclosure provisions shall require that a statement be filed: 2526 under paragraph (1) of this subsection sufficiently in advance of 27 the action to provide adequate disclosure to the public; and 28by an elected local official under subsection (b)(2) of this section (ii) 29 on or before April 30 of each year. Financial disclosure provisions applicable to a candidate shall be consistent 30 (d)
- 33 (a) In accordance with this section, a school board:

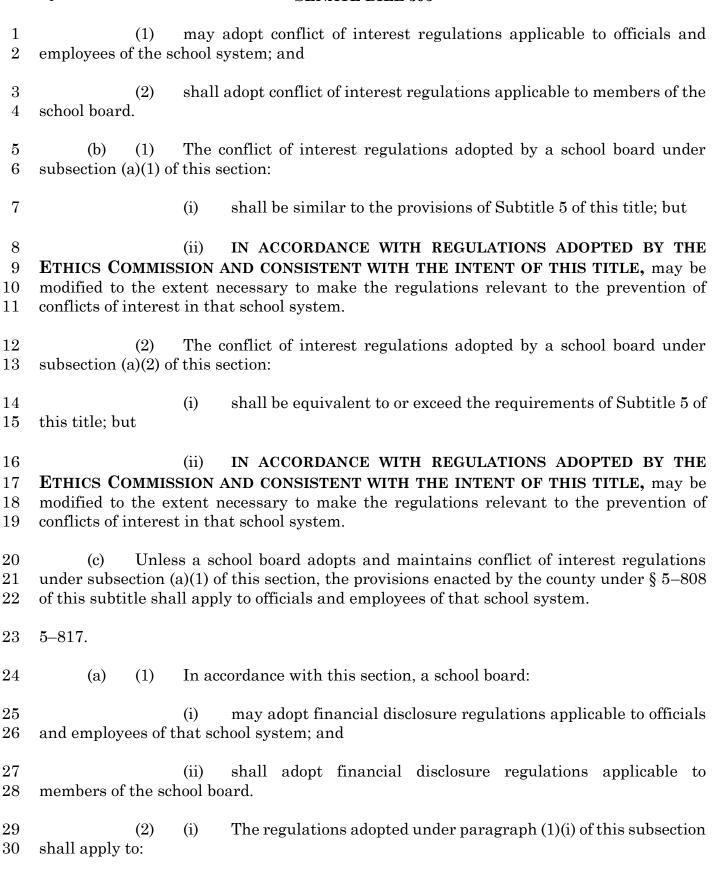
31

32

5-816.

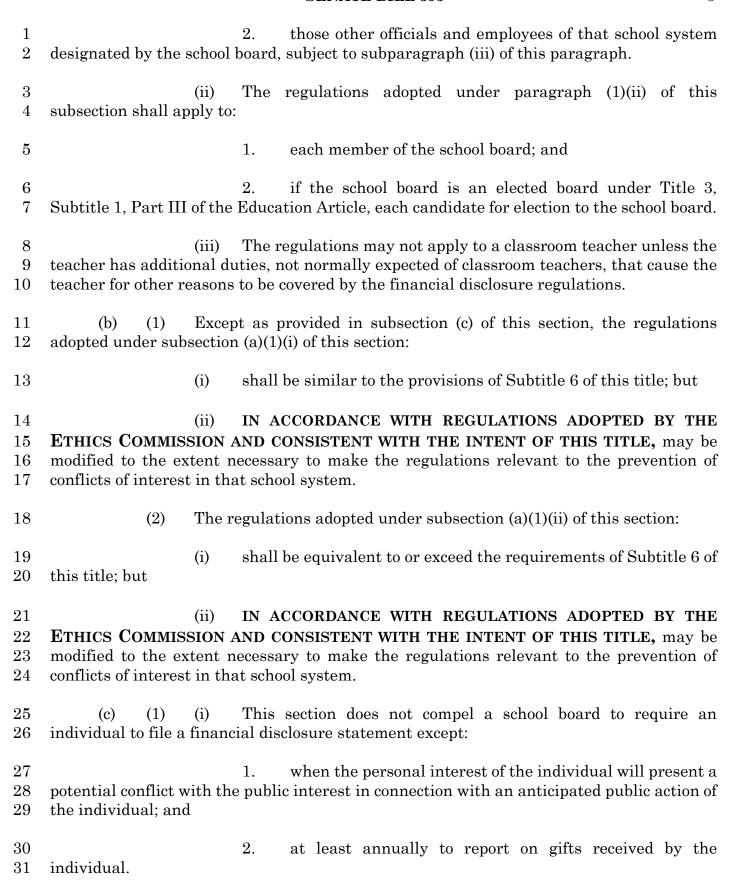
with the provisions applicable to an incumbent holding the office involved.

31



the superintendent of that school system; and

1.



1 2 3	(ii) The regulations adopted under subsection (a)(1)(i) of this section shall require that a statement filed under subparagraph (i)1 of this paragraph be filed sufficiently in advance of the public action to provide adequate disclosure to the public.
4 5 6	(2) The regulations adopted under subsection (a)(1)(ii) of this section shall require that a statement filed by a member of a school board be filed on or before April 30 of each year.
7 8 9	(d) Except as provided for a school board member under this part, unless a school board adopts and maintains financial disclosure regulations under this subtitle, the provisions enacted by the county under \S 5–809 of this subtitle shall apply to:
10	(1) the superintendent of that school system; and
11 12	(2) the other officials and employees of the school system designated by the governing body of that county.
13 14	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.
	Approved:
	Governor.
	President of the Senate.
	Speaker of the House of Delegates.