

HOUSE BILL 879

G2, P1

7lr0163
CF SB 683

By: **The Speaker (By Request – Administration)**

Introduced and read first time: February 6, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Integrity Act of 2017**

3 FOR the purpose of altering provisions of the ethics law governing the period of time
4 during which former members of the General Assembly are prohibited from
5 representing or assisting certain parties for compensation in certain matters;
6 prohibiting, except under certain circumstances, former officials and employees of
7 the Legislative Branch and Executive Branch from representing or assisting certain
8 parties for compensation in certain matters for a certain period of time; prohibiting
9 an official from directly or indirectly initiating a solicitation for a person to retain
10 the services of a particular regulated lobbyist or lobbying firm; prohibiting a
11 member of the General Assembly from taking certain actions relating to legislation
12 affecting certain entities; requiring a legislator to report certain information to the
13 State Ethics Commission on or before the first day of a legislator's term and within
14 a certain number of days of any change in information occurring, rather than to the
15 Joint Ethics Committee and at the times and in the manner required by the
16 Committee; requiring an official of the Executive Branch to report to the Commission
17 details of certain payments, compensation, and other interests under certain
18 circumstances; altering the information a legislator is required to report to the
19 Commission; altering a certain exception to the requirement that a legislator report
20 certain information to the Commission; prohibiting a regulated lobbyist and an
21 individual who is employed by a certain business entity from serving on a board;
22 repealing the requirement that the Committee administer and implement certain
23 provisions of the public ethics law; altering the membership of the Commission;
24 requiring and authorizing the Commission, rather than the Committee or the
25 Department of Legislative Services, to take certain actions under the public ethics
26 law as it relates to legislators; repealing the authority of a legislator to request a
27 certain opinion from the Committee; authorizing a certain complaint to be filed with
28 the Commission, rather than the Committee; repealing the requirement that the
29 Committee adopt certain procedures; making conforming changes; altering a certain
30 definition; repealing a certain definition; and generally relating to public ethics.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing and reenacting, with amendments,
2 Article – General Provisions
3 Section 5–101(b), (v), (bb), (ff), and (ll), 5–104, 5–202, 5–402, 5–513, 5–514, 5–516,
4 5–518, 5–519, 5–521, 5–522, 5–602, 5–606, and 5–607(k)
5 Annotated Code of Maryland
6 (2014 Volume and 2016 Supplement)
- 7 BY repealing
8 Article – General Provisions
9 Section 5–101(u), 5–304, 5–515, and 5–517
10 Annotated Code of Maryland
11 (2014 Volume and 2016 Supplement)
- 12 BY adding to
13 Article – General Provisions
14 Section 5–512.1, 5–612, and 5–717
15 Annotated Code of Maryland
16 (2014 Volume and 2016 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article – State Government
19 Section 2–706 and 2–709
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2016 Supplement)
- 22 BY renumbering
23 Article – General Provisions
24 Section 5–101(w) through (aa), (cc) through (ee), (gg) through (kk), and (mm),
25 respectively
26 to be Section 5–101(v) through (z), (bb) through (dd), (ff) through (jj), and (ll),
27 respectively
28 Annotated Code of Maryland
29 (2014 Volume and 2016 Supplement)
- 30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
31 That the Laws of Maryland read as follows:
- 32 **Article – General Provisions**
- 33 5–101.
- 34 (b) “Advisory body” means:
- 35 (1) a governmental unit designated by the Court of Appeals to give advice
36 with respect to the application or interpretation of Subtitles 5 and 6 of this title to a State
37 official of the Judicial Branch; **OR**

1 (2) [the Joint Ethics Committee, for questions arising under Subtitle 5 of
2 this title regarding a State official of the Legislative Branch; or

3 (3)] the Ethics Commission[, for all other questions].

4 [(u) “Joint Ethics Committee” means the Joint Committee on Legislative Ethics.]

5 [(v)] (U) (1) “Legislative action” means an official action or nonaction relating
6 to:

7 (i) a bill, a resolution, an amendment, a nomination, an
8 appointment, a report, or any other matter within the jurisdiction of the General Assembly;
9 or

10 (ii) a bill presented to the Governor for signature or veto.

11 (2) “Legislative action” includes:

12 (i) introduction;

13 (ii) sponsorship;

14 (iii) consideration;

15 (iv) debate;

16 (v) amendment;

17 (vi) passage;

18 (vii) defeat;

19 (viii) approval; and

20 (ix) veto.

21 [(bb)] (AA) “Official” means either a State official or a public official.

22 [(ff)] (EE) “Public official” means an individual determined to be a public official
23 under § 5–103 of this subtitle.

24 [(ll)] (KK) “State official” means:

25 (1) a constitutional officer or officer–elect in an executive unit;

26 (2) a member or member–elect of the General Assembly;

1 (3) a judge or judge-elect of a court under Article IV, § 1 of the Maryland
2 Constitution;

3 (4) a judicial appointee as defined in Maryland Rule 16-814;

4 (5) a State's Attorney;

5 (6) a clerk of the circuit court;

6 (7) a register of wills; or

7 (8) a sheriff.

8 5-104.

9 (a) Except as provided in [subsections (b) and (c)] **SUBSECTION (B)** of this
10 section, this title shall be administered and implemented by the Ethics Commission.

11 (b) [The Joint Ethics Committee, acting as an advisory body, shall administer and
12 implement Subtitle 5 of this title as it applies to members of the General Assembly.

13 (c) The Commission on Judicial Disabilities, the Judicial Ethics Committee, or
14 another body designated by the Court of Appeals, acting as an advisory body, shall
15 administer and implement Subtitles 5 and 6 of this title as those subtitles apply to State
16 officials of the Judicial Branch.

17 5-202.

18 (a) (1) The Ethics Commission consists of [five] **THE FOLLOWING**
19 members[.]:

20 [(2)] **(I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED**
21 **BY THE PRESIDENT OF THE SENATE;**

22 **(II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED**
23 **BY THE SPEAKER OF THE HOUSE; AND**

24 **(III) THE FOLLOWING SEVEN MEMBERS APPOINTED BY [The] THE**
25 **Governor [shall appoint]:**

26 [(i)] **1.** with the advice and consent of the Senate, [three] **FIVE**
27 **members, at least one of whom shall be a member of the principal political party of which**
28 **the Governor is not a member;**

1 [(ii)] 2. one member nominated by the President of the Senate;
2 and

3 [(iii)] 3. one member nominated by the Speaker of the House.

4 [(3)] (2) The Governor may reject a nominee of the President or of the
5 Speaker only for cause.

6 [(4)] (3) If the Governor rejects a nominee under paragraph [(3)] (2) of
7 this subsection, the appropriate presiding officer shall nominate another individual.

8 [(5)] (4) A vacancy shall be filled in a manner consistent with this
9 subsection.

10 (b) A member of the Ethics Commission **APPOINTED BY THE GOVERNOR** may
11 not:

12 (1) hold elected or appointed office in, be an employee of, or be a candidate
13 for office in:

14 (i) the federal government;

15 (ii) the State government;

16 (iii) a municipal corporation, county, or multicounty agency of the
17 State; or

18 (iv) a political party; or

19 (2) be a regulated lobbyist.

20 (c) Before taking office, each [appointee] **MEMBER APPOINTED BY THE**
21 **GOVERNOR** to the Ethics Commission shall take the oath required by Article I, § 9 of the
22 Maryland Constitution.

23 (d) (1) The term of a member **APPOINTED BY THE GOVERNOR** is 5 years.

24 (2) The terms of members **APPOINTED BY THE GOVERNOR** are staggered
25 as required by the terms in effect for members of the Ethics Commission on October 1, 2013.

26 (3) A member **APPOINTED BY THE GOVERNOR** may serve no more than
27 two consecutive 5-year terms.

28 (4) A member who is appointed **BY THE GOVERNOR** after a term has
29 begun serves for the rest of the term.

1 (5) At the end of a term, a member **APPOINTED BY THE GOVERNOR** may
2 continue to serve until a successor is appointed and qualifies.

3 (e) (1) The Governor may remove a member **APPOINTED BY THE GOVERNOR**
4 for:

5 (i) neglect of duty;

6 (ii) misconduct in office;

7 (iii) a disability that makes the member unable to discharge the
8 powers and duties of office; or

9 (iv) a violation of this title.

10 (2) Before removing a member **APPOINTED BY THE GOVERNOR**, the
11 Governor shall give the member:

12 (i) written notice of the charges; and

13 (ii) an opportunity to answer the charges.

14 [5-304.

15 (a) If the Ethics Commission issues an advisory opinion about a State official of
16 the Legislative Branch as to a question arising under Subtitle 6 of this title, and if requested
17 by the State official, the Joint Ethics Committee shall issue an advisory opinion on the
18 matter in accordance with this subtitle.

19 (b) The opinion of the Joint Ethics Committee prevails to the extent of any
20 inconsistency.]

21 5-402.

22 (a) For further action after the filing of a complaint, the Ethics Commission
23 promptly shall refer the complaint to:

24 (1) the Commission on Judicial Disabilities, if the complaint concerns a
25 judge of a court established under Article IV, § 1 of the Maryland Constitution; **OR**

26 (2) [the Joint Ethics Committee, if the complaint concerns:

27 (i) a State official of the Legislative Branch; and

28 (ii) a violation of Subtitle 5 of this title; or

1 (3)] the staff counsel, if the complaint concerns any other entity.

2 (b) On request of the Commission on Judicial Disabilities [or the Joint Ethics
3 Committee], the Ethics Commission shall provide any information or assistance that is not
4 prohibited by law.

5 5-504.

6 (d) (1) Except for a former member of the General Assembly **OR A FORMER**
7 **OFFICIAL OR EMPLOYEE OF THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH**,
8 who shall be subject to the restrictions provided under paragraph (2) of this subsection, a
9 former official or employee may not assist or represent a party, other than the State, in a
10 case, a contract, or any other specific matter for compensation if:

11 (i) the matter involves State government; and

12 (ii) the former official or employee participated significantly in the
13 matter as an official or employee.

14 (2) (i) Except as provided in subparagraph (ii) of this paragraph[, until
15 the conclusion of the next regular session that begins after the member leaves office,]:

16 1. a former member of the General Assembly may not assist
17 or represent another party for compensation in a matter that is the subject of legislative
18 action **FOR 1 CALENDAR YEAR AFTER THE MEMBER LEAVES OFFICE; AND**

19 2. **A FORMER OFFICIAL OR EMPLOYEE OF THE**
20 **LEGISLATIVE BRANCH OR EXECUTIVE BRANCH MAY NOT ASSIST OR REPRESENT**
21 **ANOTHER PARTY FOR COMPENSATION IN A MATTER THAT IS THE SUBJECT OF**
22 **LEGISLATIVE ACTION FOR 1 CALENDAR YEAR AFTER THE OFFICIAL OR EMPLOYEE**
23 **LEAVES EMPLOYMENT WITH THE LEGISLATIVE BRANCH OR THE EXECUTIVE**
24 **BRANCH.**

25 (ii) The limitation under subparagraph (i) of this paragraph on
26 representation by a former member of the General Assembly **OR BY A FORMER OFFICIAL**
27 **OR EMPLOYEE OF THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH** does not apply
28 to [the former member's] representation of a municipal corporation, county, or State
29 governmental entity.

30 5-506.

31 (a) (1) An official or employee may not intentionally use the prestige of office
32 or public position for that official's or employee's private gain or that of another.

1 **(2) AN OFFICIAL MAY NOT DIRECTLY OR INDIRECTLY INITIATE A**
2 **SOLICITATION FOR A PERSON TO RETAIN THE SERVICES OF A PARTICULAR**
3 **REGULATED LOBBYIST OR LOBBYING FIRM.**

4 (b) The performance of usual and customary constituent services, without
5 additional compensation, is not prohibited under subsection (a) of this section.

6 **5-512.1.**

7 **A MEMBER OF THE GENERAL ASSEMBLY MAY NOT TAKE LEGISLATIVE ACTION,**
8 **OR OTHERWISE ATTEMPT TO INFLUENCE ANY LEGISLATION, THAT AFFECTS AN**
9 **ENTITY:**

10 **(1) THAT EMPLOYS THE MEMBER OR IN WHICH THE MEMBER HAS, OR**
11 **IS IN THE PROCESS OF ACQUIRING, AN INTEREST; AND**

12 **(2) THAT THE STATE HAS AWARDED, OR FOR WHICH THE STATE IS**
13 **REVIEWING AN AWARD OF, A LICENSE, LEASE, OR CONTRACT OR ANY STATE FUNDS.**

14 **5-513.**

15 (a) (1) Except as provided in paragraph (2) of this subsection, the
16 disqualification arising under § 5-512 of this subtitle is suspended if a legislator with an
17 apparent or presumed conflict files with the [Joint Ethics Committee] **ETHICS**
18 **COMMISSION** a sworn statement that:

19 (i) describes the circumstances of the apparent or presumed conflict
20 and the legislation or class of legislation to which it relates; and

21 (ii) asserts that the legislator is able to participate in legislative
22 action relating to the legislation fairly, objectively, and in the public interest.

23 (2) (i) Except as provided in subparagraph (ii) of this paragraph, the
24 disqualification arising under § 5-512 of this subtitle may not be suspended if the conflict
25 is direct and personal to:

- 26 1. the legislator;
- 27 2. a member of the legislator's immediate family; or
- 28 3. the legislator's employer.

29 (ii) This paragraph does not apply to a vote on:

- 30 1. the annual operating budget bill, in its entirety; or

1 2. the annual capital budget bill, in its entirety.

2 (b) (1) Whenever a legislator files a statement described in subsection (a)(1) of
3 this section, the [Joint Ethics Committee] **ETHICS COMMISSION** on its own motion may
4 issue a statement concerning the propriety of the legislator's participation in the particular
5 legislative action, with reference to the applicable ethical standards.

6 (2) The suspension of the disqualification by the filing of the statement is
7 subject to further action by the [Joint Ethics Committee] **ETHICS COMMISSION** if the
8 question of conflict comes before the [Committee] **COMMISSION** as to the same
9 circumstances and the same legislator.

10 (c) A member who is disqualified from participating in legislative action under
11 subsection (a)(2)(i) of this section, or who chooses to be excused from participating in
12 legislative action on a bill or class of bills because of the appearance or presumption of a
13 conflict, shall file in a timely manner a statement with the [Joint Ethics Committee]
14 **ETHICS COMMISSION** that describes the circumstances of the apparent or presumed
15 conflict.

16 (d) All statements filed under this section shall be:

17 (1) filed electronically on a form required by the [Joint Ethics Committee]
18 **ETHICS COMMISSION**; and

19 (2) maintained as a matter of public record as required in subsection (e) of
20 this section.

21 (e) (1) The [Department of Legislative Services] **ETHICS COMMISSION** shall:

22 (i) compile the statements filed under this section;

23 (ii) make the statements available for public inspection as provided
24 in the Public Information Act; and

25 (iii) as to statements filed on or after January 1, 2013, make the
26 statements freely available to the public on the Internet through an online registration
27 program.

28 (2) As to each statement, the Internet posting shall indicate:

29 (i) whether the [Joint Ethics Committee] **ETHICS COMMISSION**
30 has made a determination under subsection (b) of this section;

31 (ii) the determination made, if any; and

32 (iii) the date, if any, on which the determination was made.

1 5–514.

2 (a) (1) Except as provided in paragraph (2) or (3) of this subsection, a member
3 of the General Assembly, a filed candidate for election to the General Assembly, or a
4 member–elect of the General Assembly may not receive earned income from:

5 (i) an executive unit; or

6 (ii) a political subdivision of the State.

7 (2) The [Joint Ethics Committee] **ETHICS COMMISSION** may exempt an
8 individual from the provisions of paragraph (1) of this subsection if the earned income is
9 for:

10 (i) educational instruction provided by the member, candidate, or
11 member–elect;

12 (ii) a position that is subject to a merit system hiring process;

13 (iii) a human services position; or

14 (iv) a career promotion, change, or progression that is a logical
15 transition from a pre–existing relationship as described in paragraph (3)(ii) of this
16 subsection.

17 (3) This subsection does not apply to compensation to a member, candidate,
18 or member–elect derived from:

19 (i) employment as a nonelected law enforcement officer or a fire or
20 rescue squad worker; or

21 (ii) a transaction or relationship that existed before the individual:

22 1. filed a certificate of candidacy for election to the General
23 Assembly while the individual was not an incumbent member of the General Assembly; or

24 (b) (1) **[A] ON OR BEFORE THE FIRST DAY OF A LEGISLATOR’S TERM AND**
25 **WITHIN 7 DAYS AFTER ANY CHANGE IN INFORMATION, A** legislator shall report the
26 following information in writing to the [Joint Ethics Committee at the times and in the
27 manner required by the Joint Ethics Committee] **ETHICS COMMISSION**:

28 (i) subject to paragraph (2) of this subsection, if **THE LEGISLATOR**
29 **OR THE LEGISLATOR’S SPOUSE IS** representing a person [for compensation] before a
30 State or local government agency, except in a judicial proceeding or in a quasi–judicial

1 proceeding, the name of the person represented, the services performed, and the
2 consideration, **IF ANY**;

3 (ii) if representing a State or local government agency for
4 compensation, the name of the agency, the services performed, and the consideration;

5 (iii) the name of any business enterprise subject to regulation by a
6 State agency in which the legislator and a member of the legislator's immediate family
7 (spouse and children living with the legislator), together or separately, have:

8 1. the lesser of:

9 A. 10% or more of the capital stock of any corporation; or

10 B. capital stock of any corporation with a cumulative value of
11 \$25,000 or more; and

12 2. any interest in a partnership, limited liability partnership,
13 or limited liability company;

14 (iv) details of any contractual relationship with a governmental
15 entity of the State or a local government in the State, including the subject matter and the
16 consideration;

17 (v) details of any transaction with a governmental entity of the State
18 or a local government in the State involving a monetary consideration; **[and]**

19 (vi) any primary employment or business interest and the employer
20 of the legislator or the spouse of the legislator, except for employment as a legislator; **AND**

21 **(VII) IF A LEGISLATOR IS MARRIED TO A REGISTERED LOBBYIST,**
22 **DETAILS OF ALL PAYMENTS, COMPENSATION, OR OTHER INTERESTS ACCRUING TO**
23 **THE LEGISLATOR'S SPOUSE OR THE SPOUSE'S EMPLOYER AS A RESULT OF SERVICES**
24 **RENDERED.**

25 (2) A legislator, on the written advice of the Counsel to the **[Joint Ethics**
26 **Committee] ETHICS COMMISSION**, is not required to report any information under this
27 subsection if reporting the information would violate standards **ESTABLISHED IN LAW** of
28 client confidentiality or professional conduct.

29 (3) The **[Joint Ethics Committee] ETHICS COMMISSION** may adopt
30 procedures to keep confidential the name of the person represented in a report filed under
31 subsection (b)(1)(i) of this section if that information is privileged or confidential under any
32 law governing proceedings before that State or local government agency.

33 (c) All reports filed under this section shall be:

1 (1) filed electronically on a form required by the [Joint Ethics Committee]
2 **ETHICS COMMISSION**; and

3 (2) maintained as a matter of public record as required in subsection (d) of
4 this section.

5 (d) (1) The [Department of Legislative Services] **ETHICS COMMISSION** shall:

6 (i) compile the reports filed under this section;

7 (ii) make the reports available for public inspection as provided in
8 the Public Information Act; and

9 (iii) as to reports filed on or after January 1, 2013, and except as
10 provided in paragraph (2) of this subsection, make the reports freely available to the public
11 on the Internet through an online registration program.

12 (2) The [Department of Legislative Services] **ETHICS COMMISSION** may
13 not post on the Internet information related to consideration received that is reported under
14 subsection (b) of this section.

15 [5-515.

16 (a) (1) A legislator may request a written opinion from the Joint Ethics
17 Committee on the propriety of any current or proposed conduct of the legislator and
18 involving the applicable standards of ethical conduct for legislators established by law, rule,
19 or other standard of ethical conduct.

20 (2) A request for an opinion shall:

21 (i) be in writing and signed by the legislator;

22 (ii) be addressed to the Joint Ethics Committee or either cochair;

23 (iii) be submitted in a timely manner; and

24 (iv) include a complete and accurate statement of the relevant facts.

25 (3) If a request is unclear or incomplete, the Joint Ethics Committee may
26 seek additional information from the legislator.

27 (4) (i) The Counsel to the Joint Ethics Committee shall prepare for the
28 Committee a response to each written request for an opinion under this subsection.

29 (ii) Each opinion shall discuss all applicable laws, rules, or other
30 standards.

1 (5) Except as provided in paragraph (6)(i) of this subsection, an opinion
2 must be approved by a majority of the members of the Joint Ethics Committee.

3 (6) (i) The cochairs of the Joint Ethics Committee may approve an
4 opinion on behalf of the Committee if they determine that the opinion is consistent with
5 prior precedent and therefore does not require consideration by the full Committee.

6 (ii) An opinion issued under subparagraph (i) of this paragraph shall
7 be distributed to each member of the Joint Ethics Committee not later than the next
8 meeting of the Committee.

9 (iii) Notwithstanding subparagraph (i) of this paragraph, if a cochair
10 of the Joint Ethics Committee is the legislator requesting the opinion, the opinion must be
11 approved by a majority of the Committee.

12 (b) The Joint Ethics Committee is not required to issue an opinion if the request
13 is not made in a timely manner.

14 (c) The Joint Ethics Committee on its own motion may issue opinions as it
15 considers appropriate.

16 (d) (1) The cochairs shall determine whether an opinion shall be made public,
17 with deletions and changes necessary to protect the legislator's identity.

18 (2) (i) The Counsel to the Joint Ethics Committee shall compile and
19 index each opinion that will be made public.

20 (ii) The compilation of opinions shall be distributed to each member
21 of the General Assembly and shall be available to the public.

22 (e) The Joint Ethics Committee may take no adverse action with regard to
23 conduct that has been undertaken in reliance on a written opinion if the conduct conforms
24 to the specific facts addressed in the opinion.

25 (f) Information provided to the Joint Ethics Committee by a legislator seeking
26 advice regarding prospective conduct may not be used as the basis for initiating an
27 investigation under this section if the legislator acts in good faith in accordance with the
28 advice of the Committee.

29 (g) (1) An opinion issued under this section is binding on any legislator to
30 whom it is addressed.

31 (2) A published opinion is binding on all members of the General
32 Assembly.]

1 (a) A complaint alleging that a member of the General Assembly may have
2 violated standards of ethical conduct, including § 2–108 of the State Government Article,
3 may be filed with the [Joint Ethics Committee] **ETHICS COMMISSION** by:

4 (1) a written statement from any person, accompanied by an affidavit,
5 setting forth the facts on which the statement is based;

6 (2) motion of a majority of the membership of the [Joint Ethics Committee]
7 **ETHICS COMMISSION**; or

8 (3) referral of a matter to the [Joint Ethics Committee] **ETHICS**
9 **COMMISSION** by a presiding officer of the General Assembly as provided in § 2–706(a)(5)
10 of the State Government Article.

11 (b) (1) The [Joint Ethics Committee] **ETHICS COMMISSION** shall provide a
12 copy of each complaint filed under subsection (a) of this section to the presiding officer of
13 the house of the legislator who is the subject of the complaint.

14 (2) Based on the information contained in a complaint provided to a
15 presiding officer under paragraph (1) of this subsection, if a presiding officer determines
16 that it is inappropriate for [a Joint Ethics Committee] **THE ETHICS COMMISSION** member
17 from that house to consider a particular matter, the presiding officer shall appoint a
18 substitute member to the [Joint Ethics Committee] **ETHICS COMMISSION** for its
19 consideration of the matter.

20 [5–517.

21 (a) Except as provided in subsection (b) of this section, any matter before the Joint
22 Ethics Committee, including information relating to any complaint, proceeding, or record
23 of the Joint Ethics Committee, shall remain confidential.

24 (b) Public access and inspection of an activity or a record of the Joint Ethics
25 Committee shall be available for:

26 (1) a disclosure or disclaimer of a conflict of interest form filed with the
27 Joint Ethics Committee;

28 (2) a portion of a meeting in which a disclosure or disclaimer form is
29 reviewed by the Joint Ethics Committee;

30 (3) information relating to a complaint, proceeding, or record of the Joint
31 Ethics Committee involving a member of the General Assembly if consent to public access
32 and inspection is granted by:

33 (i) the member involved in the matter; or

1 (ii) a three-fourths vote of the full membership of the Joint Ethics
2 Committee, based on criteria established by rule;

3 (4) a rule or broadly applicable opinion issued by the Joint Ethics
4 Committee; or

5 (5) any matter or record that is otherwise available for public access or
6 inspection as specifically authorized under this subtitle.]

7 5-518.

8 (a) After the filing or preparation of a complaint under § 5-516 of this subtitle,
9 the [Joint Ethics Committee] **ETHICS COMMISSION** shall review the complaint and
10 proceed in accordance with § 5-519 of this subtitle unless, after examining the complaint
11 and the issues raised by it, the [Committee] **COMMISSION** finds that further proceedings
12 are not justified because:

13 (1) the complaint is frivolous;

14 (2) the complaint does not allege actions on the part of the accused
15 legislator that provide reason to believe that a violation may have occurred;

16 (3) the matters alleged are not within the jurisdiction of the [Joint Ethics
17 Committee] **ETHICS COMMISSION**;

18 (4) the violations alleged were inadvertent, technical, or minor, or have
19 been cured, and, after consideration of all of the circumstances then known, further
20 proceedings would not serve the purposes of this subtitle; or

21 (5) for other reasons, after consideration of all the circumstances, further
22 proceedings would not serve the purposes of this subtitle.

23 (b) (1) If a finding is made under subsection (a) of this section, the [Joint
24 Ethics Committee] **ETHICS COMMISSION** shall:

25 (i) submit a report of its conclusions to the presiding officer or to the
26 membership of the branch of the legislature of which the accused legislator is a member,
27 and the proceedings shall be terminated;

28 (ii) provide advice or guidance to the accused legislator; or

29 (iii) provide the accused legislator with an opportunity to cure any
30 minor violation of ethical standards.

1 (2) (i) Subject to § 5–517 of this subtitle, notice of the [Joint Ethics
2 Committee’s] **ETHICS COMMISSION’S** action shall be provided to the accused legislator
3 and to any person who filed the complaint.

4 (ii) On request, the accused legislator may see the complaint and the
5 report.

6 (c) If no finding is made under subsection (a) of this section, the [Joint Ethics
7 Committee] **ETHICS COMMISSION** shall prepare an allegation summary, based on its
8 examination under subsection (a) of this section, setting forth the alleged facts and the
9 issues then known that merit further proceedings.

10 (d) After review of a complaint, the [Joint Ethics Committee] **ETHICS**
11 **COMMISSION** shall provide a statement of its findings to the accused legislator.

12 5–519.

13 (a) (1) Except as to proceedings terminated in accordance with § 5–518(b) of
14 this subtitle, the [Joint Ethics Committee] **ETHICS COMMISSION** shall provide to the
15 accused legislator a copy of:

16 (i) the complaint filed or prepared in accordance with § 5–516 of this
17 subtitle; and

18 (ii) the allegation summary prepared in accordance with § 5–518(c)
19 of this subtitle.

20 (2) The accused legislator shall be allowed an opportunity to file a written
21 answer to the allegation summary.

22 (b) Following notification of the accused legislator, the [Joint Ethics Committee]
23 **ETHICS COMMISSION** may:

24 (1) terminate the proceedings; or

25 (2) schedule a hearing and notify the accused legislator of the time,
26 location, and procedures of the hearing.

27 (c) (1) The [Joint Ethics Committee] **ETHICS COMMISSION** may amend the
28 allegation summary at any time.

29 (2) If an allegation summary is amended under paragraph (1) of this
30 subsection, the accused legislator shall be allowed an opportunity to file a written answer
31 to the amended allegation summary.

32 [5–520.

1 (a) The Joint Ethics Committee shall adopt written procedures for conducting a
2 hearing to consider a complaint, an allegation summary, and a written answer, if any.

3 (b) The written procedures adopted by the Joint Ethics Committee under
4 subsection (a) of this section:

5 (1) shall be available for public inspection;

6 (2) shall be provided to the legislator who is the subject of a hearing;

7 (3) shall allow the accused legislator to:

8 (i) be represented by counsel;

9 (ii) cross-examine witnesses; and

10 (iii) be provided an opportunity to inspect, in a reasonable manner,
11 any records that the Joint Ethics Committee intends to use during the hearing, subject to
12 limitations established by the Joint Ethics Committee in the written procedures; and

13 (4) subject to items (1) and (2) of this subsection, may be amended by the
14 Joint Ethics Committee at any time.

15 (c) (1) (i) If the Joint Ethics Committee determines that a hearing is
16 required under § 5-519(b)(2) of this subtitle, the Joint Ethics Committee, by a two-thirds
17 vote of its full membership, may issue one or more subpoenas that require the appearance
18 of a person, the production of relevant records, and the giving of relevant testimony.

19 (ii) If the Joint Ethics Committee exercises subpoena powers under
20 this paragraph, the legislator who is the subject of the investigation may require the Joint
21 Ethics Committee to issue one or more subpoenas on the legislator's behalf.

22 (2) A request to appear, an appearance, or a submission of evidence does
23 not limit the subpoena power of the Joint Ethics Committee.

24 (3) A subpoena issued under paragraph (1) of this subsection shall be
25 served:

26 (i) in the manner provided by law for service of a subpoena in a civil
27 action;

28 (ii) before the time that the subpoena sets for appearance or
29 production of records; and

30 (iii) with the following documents:

- 1 1. a copy of this title;
- 2 2. a copy of the rules of the Joint Ethics Committee; and
- 3 3. if the subpoena requires the appearance of a person, notice
4 that counsel may accompany the person.

5 (4) A person who is subpoenaed to appear at a hearing is entitled to receive
6 the fees and allowances that are provided for a person who is subpoenaed by a circuit court.

7 (5) A person may be held in contempt if the person unjustifiably:

8 (i) fails or refuses to comply with a subpoena for appearance;

9 (ii) appears but fails or refuses to testify under oath; or

10 (iii) disobeys a directive of the presiding chair at the hearing to
11 answer a relevant question or to produce a record, including an electronic record, that has
12 been subpoenaed, unless the directive is overruled by a majority vote of the members of the
13 Joint Ethics Committee who are present at the hearing.

14 (6) By a two-thirds vote of its full membership, the Joint Ethics Committee
15 may apply for a contempt citation to a circuit court.]

16 5-521.

17 (a) The [Joint Ethics Committee] **ETHICS COMMISSION** may make a finding
18 developed from:

19 (1) information presented during the hearing;

20 (2) the allegation summary and any amendments to it;

21 (3) the written answer of the accused legislator to the allegation summary,
22 if any; and

23 (4) any other information provided to the [Joint Ethics Committee]
24 **ETHICS COMMISSION** and made available to the accused legislator.

25 [(b) Consistent with the purposes of this title, the Joint Ethics Committee may
26 establish criteria for making a finding in its written procedures established under §
27 5-520(a) of this subtitle.]

28 [(c) (B) If the [Joint Ethics Committee] **ETHICS COMMISSION** makes a
29 finding under this section, the [Joint Ethics Committee] **ETHICS COMMISSION** shall:

1 (1) terminate the proceeding against the accused legislator; or

2 (2) issue any recommendations to the presiding officer of the house of the
3 accused legislator or to the full house of the accused legislator, including any
4 recommendations for appropriate sanctions.

5 5-522.

6 If the [Joint Ethics Committee] **ETHICS COMMISSION**, at any time during its
7 consideration of any complaint or allegation summary or during any proceeding, finds that
8 there are reasonable grounds to believe that a legislator may have committed a crime, the
9 [Joint Ethics Committee] **ETHICS COMMISSION** shall:

10 (1) refer the matter to an appropriate prosecuting authority; and

11 (2) provide any information or evidence to the prosecuting authority that
12 the [Joint Ethics Committee] **ETHICS COMMISSION** determines is appropriate.

13 5-602.

14 (a) Except as otherwise provided in this subtitle, a statement filed under § 5-601,
15 § 5-603, § 5-604, or § 5-605 of this subtitle shall:

16 (1) be filed electronically with the Ethics Commission;

17 (2) be filed under oath;

18 (3) be filed on or before April 30 of each year;

19 (4) cover the calendar year immediately preceding the year of filing; and

20 (5) contain the information required in § 5-607 of this subtitle.

21 [(b) A member of the General Assembly shall file the statement with the Ethics
22 Commission and the Joint Ethics Committee.]

23 [(c) (B) (1) In addition to the statement filed under § 5-601 of this subtitle,
24 a member of the General Assembly shall file a preliminary disclosure on or before the
25 seventh day of the regular legislative session if there will be a substantial change in the
26 statement covering the calendar year immediately preceding the year of filing, as compared
27 to the next preceding calendar year.

28 (2) A member of the General Assembly whose statement under § 5-601 of
29 this subtitle will not contain a substantial change is not required to file a preliminary
30 disclosure under paragraph (1) of this subsection.

1 (3) The ~~[Joint Ethics Committee]~~ **ETHICS COMMISSION** shall determine:

2 (i) the form of a preliminary disclosure under this subsection; and

3 (ii) which aspects of financial disclosure are subject to this
4 subsection.

5 (4) A preliminary disclosure shall be filed and maintained, and may be
6 disclosed, in the same manner required for a statement filed under § 5–601 of this subtitle.

7 ~~[(d)]~~ **(C)** (1) The Ethics Commission shall develop and implement procedures:

8 (i) for the electronic filing of a statement under this subtitle; and

9 (ii) for the Ethics Commission to grant an exemption to the
10 requirement under subsection (a)(1) of this section.

11 (2) (i) To comply with the requirement of paragraph (1) of this
12 subsection, the Ethics Commission may adopt regulations to modify the format for
13 disclosure of information required under § 5–607 of this subtitle.

14 (ii) The regulations adopted under this paragraph shall be
15 consistent with the intent of this title.

16 ~~[(e)]~~ **(D)** (1) If the financial disclosure statement filed electronically under
17 subsection (d) of this section is required to be made under oath or affirmation, the oath or
18 affirmation shall be made by an electronic signature that is:

19 (i) in the financial disclosure statement or attached to and made
20 part of the financial disclosure statement; and

21 (ii) made expressly under the penalties for perjury.

22 (2) An electronic signature made under paragraph (1) of this subsection
23 subjects the individual making it to the penalties for perjury to the same extent as an oath
24 or affirmation made before an individual authorized to administer oaths.

25 5–606.

26 (a) (1) The Ethics Commission ~~[and the Joint Ethics Committee]~~ shall
27 maintain the statements submitted under this subtitle and, during normal office hours,
28 make the statements available to the public for examination and copying.

29 (2) The Ethics Commission ~~[and the Joint Ethics Committee]~~ may charge
30 a reasonable fee and adopt administrative procedures for the examination and copying of a
31 statement.

1 (b) (1) The Ethics Commission [and the Joint Ethics Committee] shall
2 maintain a record of:

3 (i) the name and home address of each individual who examines or
4 copies a statement under this section; and

5 (ii) the name of the individual whose statement was examined or
6 copied.

7 (2) On the request of the individual whose statement was examined or
8 copied, the Ethics Commission [or the Joint Ethics Committee] shall forward to that
9 individual a copy of the record specified in paragraph (1) of this subsection.

10 5-607.

11 (k) To the extent not reported under subsections (a) through (j) of this section, a
12 statement filed by a member of the General Assembly shall include:

13 (1) the information required under § 5-514(b) of this title; and

14 (2) an acknowledgment, signed by the member, that any information
15 required under § 5-514(b) of this title that becomes reportable after the statement is filed
16 shall be reported immediately to the [Joint Ethics Committee] **ETHICS COMMISSION** as
17 required by § 5-514(b) of this title.

18 **5-612.**

19 **IF AN OFFICIAL OF THE EXECUTIVE BRANCH IS MARRIED TO A REGISTERED**
20 **LOBBYIST, THE OFFICIAL SHALL REPORT TO THE ETHICS COMMISSION DETAILS OF**
21 **ALL PAYMENTS, COMPENSATION, OR OTHER INTERESTS ACCRUING TO THE**
22 **OFFICIAL'S SPOUSE OR THE SPOUSE'S EMPLOYER AS A RESULT OF SERVICES**
23 **RENDERED.**

24 **5-717.**

25 **A REGULATED LOBBYIST OR AN INDIVIDUAL WHO IS EMPLOYED BY A BUSINESS**
26 **ENTITY THAT DERIVES A MAJORITY OF ITS INCOME FROM LOBBYING ACTIVITIES MAY**
27 **NOT SERVE ON A BOARD.**

28 **Article – State Government**

29 2-706.

30 [(a)] The Committee shall:

31 (1) perform all duties assigned to it by law or by legislative rules;

1 (2) from time to time, recommend to the presiding officers any changes in
2 or amendments to the rules of legislative ethics;

3 (3) on request of a member of the General Assembly, issue an advisory
4 opinion regarding the legislative ethics of an action taken or contemplated to be taken by
5 the member;

6 (4) on its own motion, issue advisory opinions as it deems necessary;

7 (5) at the request of the President or the Speaker, make recommendations
8 concerning matters referred to the Committee;

9 (6) as it deems necessary, issue guidelines and establish procedures for the
10 implementation of the rules of legislative ethics; and

11 (7) maintain public records as the rules require.

12 [(b) (1) The Committee shall maintain the statements filed by members of the
13 General Assembly under Title 15, Subtitle 5 of this article and, during normal office hours,
14 make the statements available to the public for examination and copying.

15 (2) The Committee shall maintain a record of:

16 (i) the name and home address of each individual who examines or
17 copies a statement filed with the Committee by a member of the General Assembly; and

18 (ii) the name of the member whose statement was examined or
19 copied.

20 (3) On the request of the member whose statement was examined or
21 copied, the Committee shall forward to the member a copy of the record maintained by the
22 Committee under paragraph (2)(i) of this subsection.]

23 2-709.

24 (a) The Executive Director of the Department of Legislative Services, subject to
25 the approval of the President and Speaker, shall appoint an attorney to serve as Counsel
26 to the Committee.

27 (b) The Counsel:

28 (1) shall devote full time to the duties of the Committee, but may not
29 participate in any investigatory or prosecutorial function;

30 (2) may provide information to any person regarding laws, rules, and other
31 standards of ethical conduct applicable to members of the General Assembly;

1 [(3) shall carry out any duties prescribed under Title 15, Subtitle 5 of this
2 article;]

3 [(4)] (3) shall meet individually with each member of the General
4 Assembly each year to:

5 (i) advise the member regarding the requirements of any applicable
6 ethics law, rule, or standard of conduct; and

7 (ii) assist the member in preparing statements and reports required
8 to be filed with the [Committee] STATE ETHICS COMMISSION under Title 15, Subtitle 5,
9 Part II of this article; and

10 [(5)] (4) shall conduct seminars, workshops, and briefings for the benefit
11 of members of the General Assembly, as directed by the Committee, the President, or the
12 Speaker.

13 (c) The assistance of the Counsel to members of the General Assembly:

14 (1) is subject to the attorney client privilege, as set forth in § 9–108 of the
15 Courts Article;

16 (2) is subject to confidentiality [under § 5–517 of the General Provisions
17 Article]; and

18 (3) is intended as a service to the members and may not be deemed to
19 diminish a member’s personal responsibility for adherence to applicable laws, rules, and
20 standards of ethical conduct.

21 (d) The Committee shall have other staff assistance as requested by the
22 Committee and as provided in the budget of the General Assembly.

23 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5–101(w) through
24 (aa), (cc) through (ee), (gg) through (kk), and (mm), respectively, of Article – General
25 Provisions of the Annotated Code of Maryland be renumbered to be Section(s) 5–101(v)
26 through (z), (bb) through (dd), (ff) through (jj), and (ll), respectively.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2017.