G2, L2 EMERGENCY BILL 4lr0474

By: Delegates Fisher and T. Morgan

Introduced and read first time: January 31, 2024 Assigned to: Environment and Transportation

A BILL ENTITLED

-	A 3 T	A (177)	•
1	AN	ACT	concerning

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Calvert County -	Ethics -	Consequence	s of Co	nflict of	Interest V	Violations
		Consciuction	S OI OU		THUCH CSU	, 10101111

- FOR the purpose of requiring that the conflict of interest provisions enacted by Calvert County include certain provisions relating to judicial relief for certain violations of the county's conflict of interest provisions; requiring Calvert County to enact a law or regulation to require removal of a county elected official from office for violations of certain conflict of interest provisions; and generally relating to conflict of interest provisions in Calvert County.
- 9 BY repealing and reenacting, without amendments,
- 10 Article General Provisions
- 11 Section 5–807(a) and 5–902
- 12 Annotated Code of Maryland
- 13 (2019 Replacement Volume and 2023 Supplement)
- 14 BY adding to

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- 15 Article General Provisions
- 16 Section 5–811.1
- 17 Annotated Code of Maryland
- 18 (2019 Replacement Volume and 2023 Supplement)
- 19 BY repealing and reenacting, with amendments,
- 20 Article Local Government
- 21 Section 12–107
- 22 Annotated Code of Maryland
- 23 (2013 Volume and 2023 Supplement)
- 24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 25 That the Laws of Maryland read as follows:

Article - General Provisions



1	5-807.				
2 3	(a) shall enact				9 of this title, each county and each municipal corporation n the public ethics of local officials relating to:
4		(1)	confl	icts of	interest;
5		(2)	finan	icial di	sclosure; and
6		(3)	lobby	ing.	
7	5-811.1.				
8	(A)	THIS	SECT	ION A	PPLIES ONLY IN CALVERT COUNTY.
9 10 11	• , ,	(1) 01	F THIS	SUBT	CONFLICT OF INTEREST PROVISIONS REQUIRED UNDER TITLE SHALL INCLUDE A LAW OR REGULATION THAT IS STHE REQUIREMENTS OF § 5–902 OF THIS TITLE.
12	5-902.				
13	(a)	The	court n	nay coi	mpel compliance with the Ethics Commission's order by:
4		(1)	issui	ng an	order to cease and desist from the violation; or
5		(2)	gran	ting ot	her injunctive relief.
6	(b)	(1)	The	court n	nay also:
17			(i)	impo	ese a fine:
18				1.	not exceeding \$5,000 for a violation of this title;
19 20	offense; and	l		2.	with each day that the violation occurs being a separate
$\frac{21}{22}$	in the Gene	ral Fu	nd; or	3.	which shall be paid to the State Treasurer and deposited
23 24	official act	of an o	(ii) fficial o	_	pt as provided in paragraph (2) of this subsection, void an loyee if:
25 26	prohibited l	ov this	titlo:	1.	the official or employee had a conflict of interest that is

1 2. the act arose from or concerned the subject matter of the 2 conflict: 3 3. the proceeding was brought within 90 days after the act 4 occurred: and the court determines that the conflict had an impact on the 5 4. 6 act. 7 (2) The court may not void an official act that: 8 (i) appropriates public funds; 9 (ii) imposes a tax; or 10 (iii) provides for the issuance of a bond, a note, or any other evidence 11 of public obligation. 12 (c) After hearing the case, the court may grant all or part of the relief sought. Article - Local Government 13 14 12-107.15 This section applies to all counties except Baltimore City. (a) 16 The provisions of $\S\S$ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section. 17 18 (c) The governing body of a county may enact a law or regulation: 19 designed to prevent conflicts between the private interests and public 20 duties of county officers or employees, including the governing body; and 21 to govern the conduct and actions of county officers and employees, 22including the governing body, in performing their public duties. 23 (d) **(1)** [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS 24**SUBSECTION, THE** governing body of a county may enact a law or regulation to provide for a penalty, including a fine, a forfeiture, an imprisonment, or a removal from office for 2526violation of any law or regulation enacted under subsection (c) of this section. 27 **(2)** THE GOVERNING BODY OF CALVERT COUNTY SHALL ENACT A LAW 28OR REGULATION TO REQUIRE REMOVAL OF A COUNTY ELECTED OFFICIAL FROM

OFFICE FOR VIOLATIONS OF ANY LAW OR REGULATION ENACTED UNDER

SUBSECTION (C) OF THIS SECTION OR § 5–807(A)(1) OF THE GENERAL PROVISIONS

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1 ARTICLE RELATING TO CONFLICTS OF INTEREST.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three—fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.