

HOUSE BILL 834

G2, L2

EMERGENCY BILL

4lr0474
CF SB 1124

By: ~~Delegates Fisher and T. Morgan~~ Calvert County Delegation

Introduced and read first time: January 31, 2024

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2024

CHAPTER _____

1 AN ACT concerning

2 **Calvert County – Ethics – ~~Consequences of Conflict of Interest Violations and~~**
3 **Commissioner Expulsion**

4 FOR the purpose of requiring that the conflict of interest provisions enacted by Calvert
5 County include certain provisions relating to judicial relief for certain violations of
6 the county's conflict of interest provisions; requiring the ethics provisions enacted by
7 Calvert County to include a provision requiring the Calvert County Ethics
8 Commission to make public any recommendation it makes to expel a Commissioner;
9 requiring Calvert County to enact a law or regulation ~~to require~~ that authorizes the
10 removal of a county elected official from office for violations of certain conflict of
11 interest provisions; and generally relating to conflict of interest and expulsion
12 provisions in Calvert County.

13 BY repealing and reenacting, without amendments,
14 Article – General Provisions
15 Section 5–807(a) and 5–902
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2023 Supplement)

18 BY adding to
19 Article – General Provisions
20 Section 5–811.1
21 Annotated Code of Maryland
22 (2019 Replacement Volume and 2023 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



1 BY repealing and reenacting, with amendments,
2 Article – Local Government
3 Section 12–107
4 Annotated Code of Maryland
5 (2013 Volume and 2023 Supplement)

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

8 **Article – General Provisions**

9 5–807.

10 (a) Subject to § 5–209 of this title, each county and each municipal corporation
11 shall enact provisions to govern the public ethics of local officials relating to:

- 12 (1) conflicts of interest;
13 (2) financial disclosure; and
14 (3) lobbying.

15 **5–811.1.**

16 **(A) THIS SECTION APPLIES ONLY IN CALVERT COUNTY.**

17 **(B) THE COUNTY’S CONFLICT OF INTEREST PROVISIONS REQUIRED UNDER**
18 **§ 5–807(A)(1) OF THIS SUBTITLE SHALL INCLUDE A LAW OR REGULATION THAT IS**
19 **EQUIVALENT TO OR EXCEEDS THE REQUIREMENTS OF § 5–902 OF THIS TITLE.**

20 **(C) THE COUNTY’S ETHICS PROVISIONS SHALL INCLUDE A LAW OR**
21 **REGULATION THAT REQUIRES THE CALVERT COUNTY ETHICS COMMISSION TO**
22 **MAKE PUBLIC ANY RECOMMENDATION IT MAKES TO EXPEL A COMMISSIONER.**

23 5–902.

24 (a) The court may compel compliance with the Ethics Commission’s order by:

- 25 (1) issuing an order to cease and desist from the violation; or
26 (2) granting other injunctive relief.

27 (b) (1) The court may also:

- 28 (i) impose a fine:

- 1 1. not exceeding \$5,000 for a violation of this title;
- 2 2. with each day that the violation occurs being a separate
- 3 offense; and
- 4 3. which shall be paid to the State Treasurer and deposited
- 5 in the General Fund; or

6 (ii) except as provided in paragraph (2) of this subsection, void an
 7 official act of an official or employee if:

- 8 1. the official or employee had a conflict of interest that is
- 9 prohibited by this title;
- 10 2. the act arose from or concerned the subject matter of the
- 11 conflict;
- 12 3. the proceeding was brought within 90 days after the act
- 13 occurred; and
- 14 4. the court determines that the conflict had an impact on the
- 15 act.

16 (2) The court may not void an official act that:

- 17 (i) appropriates public funds;
- 18 (ii) imposes a tax; or
- 19 (iii) provides for the issuance of a bond, a note, or any other evidence
- 20 of public obligation.

21 (c) After hearing the case, the court may grant all or part of the relief sought.

22 **Article – Local Government**

23 12–107.

24 (a) This section applies to all counties except Baltimore City.

25 (b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an
 26 ordinance, or a resolution adopted by a commission county under this section.

27 (c) The governing body of a county may enact a law or regulation:

- 28 (1) designed to prevent conflicts between the private interests and public
- 29 duties of county officers or employees, including the governing body; and

1 (2) to govern the conduct and actions of county officers and employees,
2 including the governing body, in performing their public duties.

3 (d) (1) [The] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
4 **SUBSECTION, THE** governing body of a county may enact a law or regulation to provide for
5 a penalty, including a fine, a forfeiture, an imprisonment, or a removal from office for
6 violation of any law or regulation enacted under subsection (c) of this section.

7 (2) **THE GOVERNING BODY OF CALVERT COUNTY SHALL ENACT A LAW**
8 **OR REGULATION ~~TO REQUIRE REMOVAL OF~~ THAT AUTHORIZES THE GOVERNING**
9 **BODY TO REMOVE A COUNTY ELECTED OFFICIAL FROM OFFICE FOR VIOLATIONS OF**
10 **ANY LAW OR REGULATION ENACTED UNDER SUBSECTION (C) OF THIS SECTION OR §**
11 **5-807(A)(1) OF THE GENERAL PROVISIONS ARTICLE RELATING TO CONFLICTS OF**
12 **INTEREST.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.