

SENATE BILL 1124

G2, L2

EMERGENCY BILL

4lr3495
CF HB 834

By: **Senator Jackson**

Introduced and read first time: February 9, 2024

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Calvert County – Ethics – Consequences of Conflict of Interest Violations**

3 FOR the purpose of requiring that the conflict of interest provisions enacted by Calvert
4 County include certain provisions relating to judicial relief for certain violations of
5 the county’s conflict of interest provisions; requiring Calvert County to enact a law
6 or regulation to require removal of a county elected official from office for violations
7 of certain conflict of interest provisions; and generally relating to conflict of interest
8 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
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:

26 **Article – General Provisions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-807.

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

4 (1) conflicts of interest;

5 (2) financial disclosure; and

6 (3) lobbying.

7 **5-811.1.**

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

9 **(B) THE COUNTY'S CONFLICT OF INTEREST PROVISIONS REQUIRED UNDER**
10 **§ 5-807(A)(1) OF THIS SUBTITLE SHALL INCLUDE A LAW OR REGULATION THAT IS**
11 **EQUIVALENT TO OR EXCEEDS THE REQUIREMENTS OF § 5-902 OF THIS TITLE.**

12 5-902.

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

14 (1) issuing an order to cease and desist from the violation; or

15 (2) granting other injunctive relief.

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

17 (i) impose a fine:

18 1. not exceeding \$5,000 for a violation of this title;

19 2. with each day that the violation occurs being a separate
20 offense; and

21 3. which shall be paid to the State Treasurer and deposited
22 in the General Fund; or

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

25 1. the official or employee had a conflict of interest that is
26 prohibited by this title;

- 1 conflict;
- 2
- 3 2. the act arose from or concerned the subject matter of the
- 4 3. the proceeding was brought within 90 days after the act
- 5 occurred; and
- 6 4. the court determines that the conflict had an impact on the
- 7 act.

(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.

13 Article – Local Government

14 12–107.

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

16 (b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an

17 ordinance, or a resolution adopted by a commission county under this section.

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

19 (1) designed to prevent conflicts between the private interests and public

20 duties of county officers or employees, including the governing body; and

21 (2) to govern the conduct and actions of county officers and employees,

22 including 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**

25 **a penalty, including a fine, a forfeiture, an imprisonment, or a removal from office for**

26 **violation of any law or regulation enacted under subsection (c) of this section.**

27 **(2) THE GOVERNING BODY OF CALVERT COUNTY SHALL ENACT A LAW**

28 **OR REGULATION TO REQUIRE REMOVAL OF A COUNTY ELECTED OFFICIAL FROM**

29 **OFFICE FOR VIOLATIONS OF ANY LAW OR REGULATION ENACTED UNDER**

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

1 **ARTICLE RELATING TO CONFLICTS OF INTEREST.**

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