HOUSE BILL 1297

G2, L2, L3 5lr2902

By: Delegates Hornberger, Buckel, Mangione, Valentine, and Wivell

Introduced and read first time: February 7, 2025

Assigned to: Environment and Transportation and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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Public Ethics - Local Government and School Boards - Requirements

- 3 FOR the purpose of requiring that the conflict of interest provisions or regulations adopted 4 by a county, municipal corporation, or school board be equivalent to or exceed certain 5 provisions of State law and authorize removal of a certain official for certain 6 violations; requiring that conflict of interest provisions adopted by a county, 7 municipal corporation, or school board include certain provisions relating to judicial 8 relief for violations of the conflict of interest provisions; requiring the ethics 9 provisions adopted by a county, municipal corporation, or school board to include a requirement that the relevant ethics commission make a certain recommendation 10 11 public; requiring that certain lobbying provisions or regulations adopted by a county, 12 municipal corporation, or school board be equivalent to or exceed certain provisions 13 of State law; and generally relating to local public ethics laws.
- 14 BY repealing and reenacting, without amendments,
- 15 Article General Provisions
- 16 Section 5–807(a) and 5–902
- 17 Annotated Code of Maryland
- 18 (2019 Replacement Volume and 2024 Supplement)
- 19 BY repealing and reenacting, with amendments,
- 20 Article General Provisions
- 21 Section 5–808, 5–810, 5–811.1, 5–816, and 5–818
- 22 Annotated Code of Maryland
- 23 (2019 Replacement Volume and 2024 Supplement)
- 24 BY repealing and reenacting, with amendments,
- 25 Article Local Government
- 26 Section 12–107
- 27 Annotated Code of Maryland
- 28 (2013 Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 1 2 That the Laws of Maryland read as follows: 3 Article - General Provisions 4 5-807.Subject to § 5-209 of this title, each county and each municipal corporation 5 6 shall enact provisions to govern the public ethics of local officials relating to: conflicts of interest; 7 (1) 8 financial disclosure; and (2)9 (3)lobbying. 10 5-808. 11 Except as provided in subsection (b) of this section, the THE conflict of 12 interest provisions enacted by a county or municipal corporation under § 5-807 of this 13 subtitle: 14 (1) shall be [similar to the provisions] EQUIVALENT TO OR EXCEED THE REQUIREMENTS of Subtitle 5 of this title; but 15 16 in accordance with regulations adopted by the Ethics Commission and 17 consistent with the intent of this title, may be modified to the extent necessary to make the 18 provisions relevant to the prevention of conflicts of 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: 21shall be equivalent to or exceed the requirements of Subtitle 5 of this (1)22title; but 23 (2)in accordance with regulations adopted by the Ethics Commission and 24consistent with the intent of this title, may be modified to the extent necessary to make the 25provisions relevant to the prevention of conflicts of interest in that jurisdiction.

THE CONFLICT OF INTEREST PROVISIONS ENACTED BY A COUNTY OR

MUNICIPAL CORPORATION SHALL INCLUDE A PROVISION THAT IS EQUIVALENT TO

OR EXCEEDS THE REQUIREMENTS OF § 5-902 OF THIS TITLE.

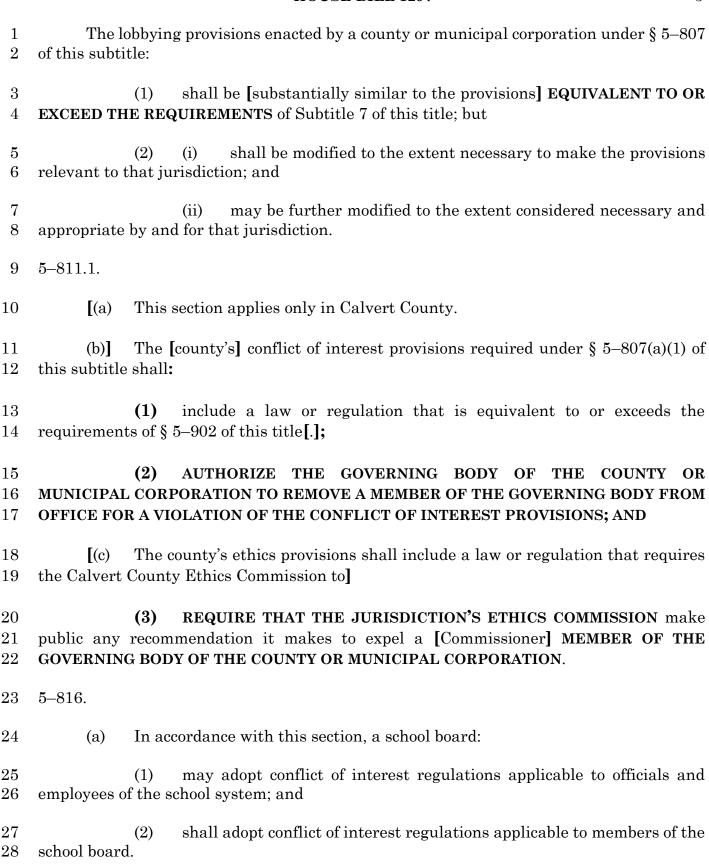
29 5–810.

(B)

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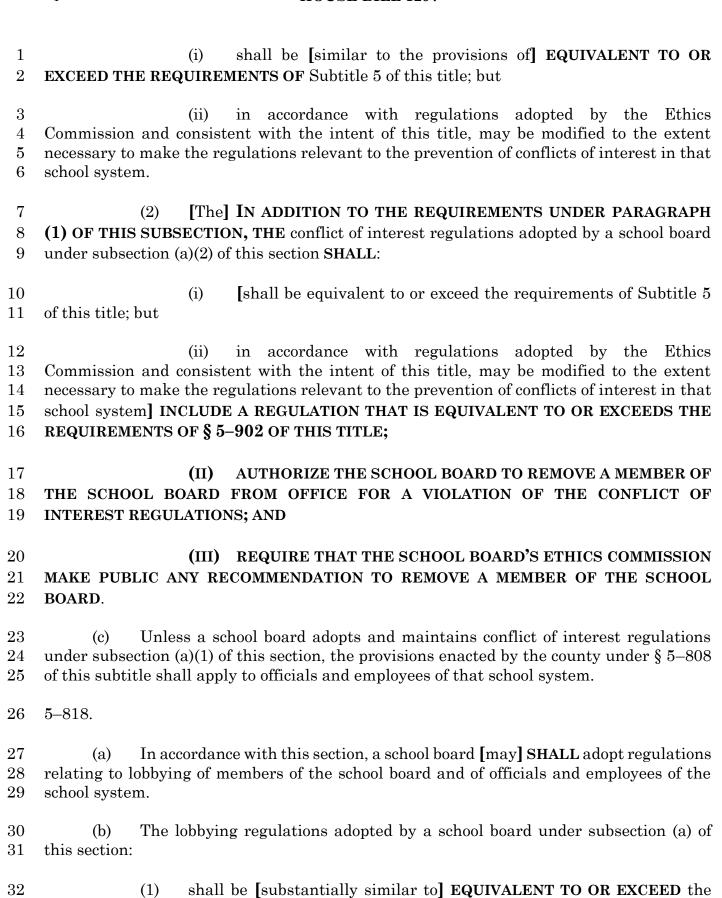
The conflict of interest regulations adopted by a school board under

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(b)

subsection [(a)(1)] (A) of this section:



provisions of Subtitle 7 of this title; but

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1 2	(2) [(i) relevant to that school syst			•	may be modified to the extent necessary to make the provisions stem; and	
3 4 5 6 7	(ii) may be further modified to the extent considered necessary and appropriate by and for that school system] IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE ETHICS COMMISSION AND CONSISTENT WITH THE INTENT OF THIS TITLE, MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE REGULATIONS RELEVANT TO THAT SCHOOL SYSTEM.					
8 9 10	[(c) Unless a school board adopts and maintains lobbying regulations under this subtitle, the provisions enacted by the county under § 5–810 of this subtitle shall apply to that school system.]					
1	5–902.					
2	(a)	The	court m	ay com	apel compliance with the Ethics Commission's order by:	
13		(1)	issuir	ıg an o	rder to cease and desist from the violation; or	
4		(2)	grant	ing oth	ner injunctive relief.	
15	(b)	(1)	The c	ourt m	ay also:	
16			(i)	impos	se a fine:	
17				1.	not exceeding \$5,000 for a violation of this title;	
18 19	offense; and	_		2.	with each day that the violation occurs being a separate	
20 21	in the Gene	ral Fu	nd; or	3.	which shall be paid to the State Treasurer and deposited	
22 23	(ii) except as provided in paragraph (2) of this subsection, void an official act of an official or employee if:					
24 25	prohibited b	y this	title;	1.	the official or employee had a conflict of interest that is	
26 27	conflict;			2.	the act arose from or concerned the subject matter of the	
28 29	occurred; ar	nd		3.	the proceeding was brought within 90 days after the act	

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1	4. the court determines that the conflict had an impact on the					
2	act.					
3	3 (2) The court may not void an official act that:					
4	(i) appropriates public funds;					
5	(ii) imposes a tax; or					
6 7	(iii) provides for the issuance of a bond, a note, or any other evidence f public obligation.					
8	(c) After hearing the case, the court may grant all or part of the relief sought.					
9	Article - Local Government					
10	12–107.					
11	(a) [This section applies to all counties except Baltimore City.					
12 13	(b)] The provisions of §§ 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.					
14	[(c)] (B) The governing body of a county may enact a law or regulation:					
15 16	(1) designed to prevent conflicts between the private interests and public duties of county officers or employees, including the governing body; and					
17 18	(2) to govern the conduct and actions of county officers and employees, including the governing body, in performing their public duties.					
19 20 21 22	[(d)] (C) (1) Except as provided in paragraph (2) of this 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 violation of any law or regulation enacted under subsection [(c)] (B) of this section.					
23 24 25 26	(2) The governing body of [Calvert County] A COUNTY shall enact a law or regulation that authorizes the governing body to remove a county elected official from office for violations of any law or regulation enacted under subsection [(c)] (B) of this section or § 5–807(a)(1) of the General Provisions Article relating to conflicts of interest.					
27 28	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.					