

# SENATE BILL 315

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By: **Senators Raskin, Peters, Miller, Astle, Currie, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Glassman, Harrington, Jones, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Muse, Pinsky, Rosapepe, and Stone**

Introduced and read first time: January 27, 2010

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Ethics Laws – Elected Local Officials and Board of Education**  
3 **Members – Requirements**

4 FOR the purpose of requiring certain local ethics commissions or other appropriate  
5 entities to certify to the State Ethics Commission compliance with certain  
6 provisions of law relating to elected local officials on or before a certain date  
7 each year; requiring certain conflict of interest and financial disclosure  
8 provisions for elected local officials enacted by a county or municipal corporation  
9 to be equivalent to or exceed certain requirements under certain provisions of  
10 law; requiring that certain financial disclosure statements be filed by a certain  
11 date each year; requiring, instead of authorizing, local school boards to adopt  
12 certain conflict of interest and financial disclosure provisions for members of  
13 the school board; requiring certain regulations enacted by a local school board to  
14 be equivalent to or exceed certain requirements under certain provisions of law;  
15 and generally relating to public ethics laws for elected local officials and  
16 members of boards of education.

17 BY repealing and reenacting, with amendments,  
18 Article – State Government  
19 Section 15–803, 15–804, 15–805, 15–812, and 15–813  
20 Annotated Code of Maryland  
21 (2009 Replacement Volume)

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

24 **Article – State Government**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 15-803.

2 (A) Each county and each municipal corporation shall enact provisions to  
3 govern the public ethics of local officials relating to:

4 (1) conflicts of interest;

5 (2) financial disclosure; and

6 (3) lobbying.

7 (B) EACH LOCAL ETHICS COMMISSION OR APPROPRIATE ENTITY SHALL  
8 CERTIFY TO THE ETHICS COMMISSION THAT THE COUNTY OR MUNICIPAL  
9 CORPORATION IS IN COMPLIANCE WITH THE REQUIREMENTS FOR ELECTED  
10 LOCAL OFFICIALS OF THIS PART I ON OR BEFORE OCTOBER 1 OF EACH YEAR.

11 15-804.

12 (A) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,  
13 THE conflict of interest provisions enacted by a county or municipal corporation under  
14 § 15-803 of this subtitle shall be similar to the provisions of Subtitle 5 of this title, but  
15 may be modified to the extent necessary to make the provisions relevant to the  
16 prevention of conflicts of interest in that jurisdiction.

17 (B) THE CONFLICT OF INTEREST PROVISIONS FOR ELECTED LOCAL  
18 OFFICIALS ENACTED BY A COUNTY OR MUNICIPAL CORPORATION UNDER §  
19 15-803 OF THIS SUBTITLE SHALL BE EQUIVALENT TO OR EXCEED THE  
20 REQUIREMENTS OF SUBTITLE 5 OF THIS TITLE, BUT MAY BE MODIFIED TO THE  
21 EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THE PREVENTION  
22 OF CONFLICTS OF INTEREST IN THAT JURISDICTION.

23 15-805.

24 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS  
25 INDICATED.

26 (2) "ELECTED LOCAL OFFICIAL" INCLUDES:

27 (I) ANY INDIVIDUAL WHO HOLDS AN ELECTIVE OFFICE OF A  
28 COUNTY OR MUNICIPAL CORPORATION; AND

29 (II) A CANDIDATE FOR ELECTIVE OFFICE AS A LOCAL  
30 OFFICIAL OF A COUNTY OR MUNICIPAL CORPORATION.

31 (3) ["local] "LOCAL official" includes[:

1 (1) a candidate for elective office as a local official of a county or  
2 municipal corporation if the holder of the office is designated as a local official; and

3 (2)] an individual, designated as a local official, whose position is  
4 funded wholly or partly by the State.

5 (b) (1) Except as provided in **PARAGRAPH (2) OF THIS SUBSECTION**  
6 **AND** subsection (c) of this section, the financial disclosure provisions enacted by a  
7 county or municipal corporation under § 15–803 of this subtitle shall be similar to the  
8 provisions of Subtitle 6 of this title, but shall be modified to the extent necessary to  
9 make the provisions relevant to the prevention of conflicts of interest in that  
10 jurisdiction.

11 (2) **THE FINANCIAL DISCLOSURE PROVISIONS FOR ELECTED**  
12 **LOCAL OFFICIALS ENACTED BY A COUNTY OR MUNICIPAL CORPORATION UNDER**  
13 **§ 15–803 OF THIS SUBTITLE SHALL BE EQUIVALENT TO OR EXCEED THE**  
14 **REQUIREMENTS OF SUBTITLE 6 OF THIS TITLE, BUT SHALL BE MODIFIED TO**  
15 **THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THE**  
16 **PREVENTION OF CONFLICTS OF INTEREST IN THAT JURISDICTION.**

17 (c) (1) This subtitle does not compel the governing body of a county or  
18 municipal corporation to require a local official to file a financial disclosure statement  
19 except:

20 (i) when the personal interest of the local official will present a  
21 potential conflict with the public interest in connection with an anticipated public  
22 action of the local official; and

23 (ii) at least annually to report on gifts received by the local  
24 official.

25 (2) The provisions shall require:

26 (I) that a statement filed under paragraph (1)(i) of this  
27 subsection be filed sufficiently in advance of the action to provide adequate disclosure  
28 to the public; **AND**

29 (II) **A STATEMENT FILED BY AN ELECTED LOCAL OFFICIAL**  
30 **UNDER SUBSECTION (B)(2) OF THIS SECTION TO BE FILED ON OR BEFORE APRIL**  
31 **30 OF EACH YEAR.**

32 (d) Financial disclosure provisions applicable to a candidate shall be  
33 consistent with the provisions applicable to an incumbent holding the office involved.

34 15–812.

1 (a) **[A] IN ACCORDANCE WITH THIS SECTION, A school board:**

2 (1) may adopt conflict of interest regulations applicable [to members  
3 of the school board and] to officials and employees of the school system [in accordance  
4 with this section]; **AND**

5 (2) **SHALL ADOPT CONFLICT OF INTEREST REGULATIONS**  
6 **APPLICABLE TO MEMBERS OF THE SCHOOL BOARD.**

7 (b) (1) The conflict of interest regulations adopted by a school board under  
8 subsection (a)(1) of this section shall be similar to the provisions of Subtitle 5 of this  
9 title, but may be modified to the extent necessary to make the regulations relevant to  
10 the prevention of conflicts of interest in that school system.

11 (2) **THE CONFLICT OF INTEREST REGULATIONS ADOPTED BY A**  
12 **SCHOOL BOARD UNDER SUBSECTION (A)(2) OF THIS SECTION SHALL BE**  
13 **EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 5 OF THIS**  
14 **TITLE, BUT MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE**  
15 **REGULATIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN**  
16 **THAT SCHOOL SYSTEM.**

17 (c) Unless a school board adopts and maintains conflict of interest  
18 regulations under **SUBSECTION (A)(1) OF** this [subtitle] **SECTION**, the provisions  
19 enacted by the county under § 15–804 of this subtitle shall apply to [the members of  
20 the school board and to] officials and employees of that school system.

21 15–813.

22 (a) (1) **[A] IN ACCORDANCE WITH THIS SECTION, A school board:**

23 (I) may adopt financial disclosure regulations applicable to  
24 [members of the school board and to] officials and employees of that school system [in  
25 accordance with this section]; **AND**

26 (II) **SHALL ADOPT FINANCIAL DISCLOSURE REGULATIONS**  
27 **APPLICABLE TO MEMBERS OF THE SCHOOL BOARD.**

28 (2) (i) The regulations adopted under paragraph (1)(I) of this  
29 subsection shall apply to:

30 [1. each member of the school board;

31 2. if the school board is an elected board under Title 3,  
32 Subtitle 1, Part III of the Education Article, each candidate for election to the school  
33 board;]

1                                   [3.] 1.           the superintendent of that school system; and

2                                   [4.] 2.           subject to subparagraph [(ii)] (III) of this  
3 paragraph, those other officials and employees of that school system designated by the  
4 school board.

5                                   **(II) THE REGULATIONS ADOPTED UNDER PARAGRAPH**  
6 **(1)(II) OF THIS SUBSECTION SHALL APPLY TO:**

7                                   1.       **EACH MEMBER OF THE SCHOOL BOARD; AND**

8                                   2.       **IF THE SCHOOL BOARD IS AN ELECTED BOARD**  
9 **UNDER TITLE 3, SUBTITLE 1, PART III OF THE EDUCATION ARTICLE, EACH**  
10 **CANDIDATE FOR ELECTION TO THE SCHOOL BOARD.**

11                                  [(ii)] (III)   The regulations may not apply to a classroom teacher  
12 unless the teacher has additional duties, not normally expected of classroom teachers,  
13 that cause the teacher for other reasons to be covered by the financial disclosure  
14 regulations.

15                                  (b)   (1)   Except as provided in subsection (c) of this section, the regulations  
16 adopted under subsection (a)(1)(I) of this section shall be similar to the provisions of  
17 Subtitle 6 of this title, but may be modified to the extent necessary to make the  
18 regulations relevant to the prevention of conflicts of interest in that school system.

19                                  **(2) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1)(II)**  
20 **OF THIS SECTION SHALL BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS**  
21 **OF SUBTITLE 6 OF THIS TITLE, BUT MAY BE MODIFIED TO THE EXTENT**  
22 **NECESSARY TO MAKE THE REGULATIONS RELEVANT TO THE PREVENTION OF**  
23 **CONFLICTS OF INTEREST IN THAT SCHOOL SYSTEM.**

24                                  (c)   (1)   **(I)**   This [section] PARAGRAPH does not compel a school board  
25 to require an individual to file a financial disclosure statement except:

26                                  [(i)] 1.       when the personal interest of the individual will  
27 present a potential conflict with the public interest in connection with an anticipated  
28 public action of the individual; and

29                                  [(ii)] 2.       at least annually to report on gifts received by the  
30 individual.

31                                  **[(2)] (II)**   The regulations **ADOPTED UNDER SUBSECTION (A)(1)(I)**  
32 **OF THIS SECTION** shall require that a statement filed under [paragraph (1)(i)]  
33 **SUBPARAGRAPH (I)1** of this [subsection] PARAGRAPH be filed sufficiently in  
34 advance of the public action to provide adequate disclosure to the public.

1                   **(2) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1)(II)**  
2 **OF THIS SECTION SHALL REQUIRE THAT A STATEMENT FILED BY A MEMBER OF A**  
3 **BOARD OF EDUCATION BE FILED ON OR BEFORE APRIL 30 OF EACH YEAR.**

4           (d) ~~[Unless]~~ **EXCEPT AS PROVIDED FOR A MEMBER OF A BOARD OF**  
5 **EDUCATION UNDER THIS PART II, UNLESS** a school board adopts and maintains  
6 financial disclosure regulations under this subtitle, the provisions enacted by the  
7 county under § 15–805 of this subtitle shall apply to:

8                   (1) [each member of the school board;

9                   (2)] the superintendent of that school system; and

10                   ~~[(3)]~~ **(2)** the other officials and employees of the school system that  
11 the governing body of that county designates.

12                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2010.