

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

2 **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
10 requirement that the relevant ethics commission make a certain recommendation
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,
That the Laws of Maryland read as follows:

Article – General Provisions

5–807.

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

(1) conflicts of interest;

(2) financial disclosure; and

(3) lobbying.

5–808.

(a) [Except as provided in subsection (b) of this section, the] **THE** conflict of interest provisions enacted by a county or municipal corporation under § 5–807 of this subtitle:

(1) shall be [similar to the provisions] **EQUIVALENT TO OR EXCEED THE REQUIREMENTS** of Subtitle 5 of this title; but

(2) 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 provisions relevant to the prevention of conflicts of interest in that jurisdiction.

[(b) The conflict of interest provisions for elected local officials enacted by a county or municipal corporation under § 5–807 of this subtitle:

(1) shall be equivalent to or exceed the requirements of Subtitle 5 of this title; but

(2) 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 provisions relevant to the prevention of conflicts of interest in that jurisdiction.]

(B) 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.

5–810.

1 The lobbying provisions enacted by a county or municipal corporation under § 5–807
2 of this subtitle:

3 (1) shall be [substantially similar to the provisions] **EQUIVALENT TO OR**
4 **EXCEED THE REQUIREMENTS** of Subtitle 7 of this title; but

5 (2) (i) shall be modified to the extent necessary to make the provisions
6 relevant to that jurisdiction; and

7 (ii) may be further modified to the extent considered necessary and
8 appropriate by and for that jurisdiction.

9 5–811.1.

10 [(a) This section applies only in Calvert County.

11 (b)] The [county’s] conflict of interest provisions required under § 5–807(a)(1) of
12 this subtitle shall:

13 (1) include a law or regulation that is equivalent to or exceeds the
14 requirements of § 5–902 of this title[.];

15 (2) **AUTHORIZE THE GOVERNING BODY OF THE COUNTY OR**
16 **MUNICIPAL CORPORATION TO REMOVE A MEMBER OF THE GOVERNING BODY FROM**
17 **OFFICE FOR A VIOLATION OF THE CONFLICT OF INTEREST PROVISIONS; AND**

18 [(c) The county’s ethics provisions shall include a law or regulation that requires
19 the Calvert County Ethics Commission to]

20 (3) **REQUIRE THAT THE JURISDICTION’S ETHICS COMMISSION** make
21 public any recommendation it makes to expel a [Commissioner] **MEMBER OF THE**
22 **GOVERNING BODY OF THE COUNTY OR MUNICIPAL CORPORATION.**

23 5–816.

24 (a) In accordance with this section, a school board:

25 (1) may adopt conflict of interest regulations applicable to officials and
26 employees of the school system; and

27 (2) shall adopt conflict of interest regulations applicable to members of the
28 school board.

29 (b) (1) The conflict of interest regulations adopted by a school board under
30 subsection [(a)(1)] **(A)** of this section:

(i) shall be [similar to the provisions of] **EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF** Subtitle 5 of this title; but

(ii) 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 the prevention of conflicts of interest in that school system.

(2) [The] **IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE** conflict of interest regulations adopted by a school board under subsection (a)(2) of this section **SHALL:**

(i) [shall be equivalent to or exceed the requirements of Subtitle 5 of this title; but

(ii) 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 the prevention of conflicts of interest in that school system] **INCLUDE A REGULATION THAT IS EQUIVALENT TO OR EXCEEDS THE REQUIREMENTS OF § 5-902 OF THIS TITLE;**

(II) AUTHORIZE THE SCHOOL BOARD TO REMOVE A MEMBER OF THE SCHOOL BOARD FROM OFFICE FOR A VIOLATION OF THE CONFLICT OF INTEREST REGULATIONS; AND

(III) REQUIRE THAT THE SCHOOL BOARD'S ETHICS COMMISSION MAKE PUBLIC ANY RECOMMENDATION TO REMOVE A MEMBER OF THE SCHOOL BOARD.

(c) Unless a school board adopts and maintains conflict of interest regulations under subsection (a)(1) of this section, the provisions enacted by the county under § 5-808 of this subtitle shall apply to officials and employees of that school system.

5-818.

(a) In accordance with this section, a school board [may] **SHALL** adopt regulations relating to lobbying of members of the school board and of officials and employees of the school system.

(b) The lobbying regulations adopted by a school board under subsection (a) of this section:

(1) shall be [substantially similar to] **EQUIVALENT TO OR EXCEED** the provisions of Subtitle 7 of this title; but

(2) [(i) may be modified to the extent necessary to make the provisions relevant to that school system; and

(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.**

[(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.]

5–902.

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

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

(2) granting other injunctive relief.

(b) (1) The court may also:

(i) impose a fine:

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

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

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

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

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

2. the act arose from or concerned the subject matter of the conflict;

3. the proceeding was brought within 90 days after the act occurred; and

