

HOUSE BILL 879

G2, P1

7lr0163
CF SB 683

By: **The Speaker (By Request – Administration)**

Introduced and read first time: February 6, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 20, 2017

CHAPTER _____

1 AN ACT concerning

2 **Public Integrity Act of 2017**

3 FOR the purpose of altering provisions of the ethics law governing the period of time during
4 which former members of the General Assembly are prohibited from representing or
5 assisting certain parties for compensation in certain matters; ~~prohibiting, except~~
6 ~~under certain circumstances, former officials and employees of the Legislative~~
7 ~~Branch and Executive Branch from representing or assisting certain parties for~~
8 ~~compensation in certain matters for a certain period of time; prohibiting an official~~
9 ~~from directly or indirectly initiating a solicitation for a person to retain the services~~
10 ~~of a particular regulated lobbyist or lobbying firm; prohibiting a member of the~~
11 ~~General Assembly from taking certain actions relating to legislation affecting certain~~
12 ~~entities; requiring a legislator to report certain information to the State Ethics~~
13 ~~Commission on or before the first day of a legislator's term and within a certain~~
14 ~~number of days of any change in information occurring, rather than to the Joint~~
15 ~~Ethics Committee and at the times and in the manner required by the Committee;~~
16 ~~requiring an official of the Executive Branch to report to the Commission details of~~
17 ~~certain payments, compensation, and other interests under certain circumstances;~~
18 ~~altering the information a legislator is required to report to the Commission; altering~~
19 ~~a certain exception to the requirement that a legislator report certain information to~~
20 ~~the Commission; prohibiting a regulated lobbyist and an individual who is employed~~
21 ~~by a certain business entity from serving on a board; repealing the requirement that~~
22 ~~the Committee administer and implement certain provisions of the public ethics law;~~
23 ~~altering the membership of the Commission; requiring and authorizing the~~
24 ~~Commission, rather than the Committee or the Department of Legislative Services,~~
25 ~~to take certain actions under the public ethics law as it relates to legislators;~~

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.



~~repealing the authority of a legislator to request a certain opinion from the Committee; authorizing a certain complaint to be filed with the Commission, rather than the Committee; repealing the requirement that the Committee adopt certain procedures; making conforming changes; altering a certain definition~~ altering the definition of “legislative action” as it applies to certain provisions of the Maryland Public Ethics Law to include testimony and other advocacy in an official capacity before a unit of State or local government; prohibiting certain former regulated lobbyists from participating in a case, contract, or other matter as a public official or employee for a certain time period under certain circumstances; requiring the State Ethics Commission to make certain information freely available on the Internet; prohibiting certain former State officials from representing or assisting certain parties for compensation in certain matters for a certain period of time, subject to a certain exception; prohibiting an official or an employee from intentionally using the prestige of office or public position to influence, except under certain circumstances, the award of certain contracts; prohibiting an official from directly or indirectly initiating a solicitation for a person to retain the services of a particular regulated lobbyist or lobbying firm; prohibiting a public official or employee from using public resources or the title of the public official or employee to solicit certain political contributions; altering the definition of “close economic association” as it applies to provisions of the Public Ethics Law governing conflicts of interest; altering the reporting requirements for outside income that a legislator is required to make to the Joint Ethics Committee; repealing a certain requirement that the Ethics Commission develop and implement procedures for granting exemptions to electronic filing requirements for financial disclosure forms; requiring a governmental unit to provide certain employees with a list of entities that did business with the unit during a certain time period; prohibiting certain former regulated lobbyists from participating in certain cases, contracts, or matters for a certain time period under certain circumstances; requiring the Ethics Commission to make freely available on the Internet in a certain manner certain financial disclosure statements for certain officials and candidates, subject to certain redaction; altering the debt schedule of a financial disclosure statement to require disclosure of debt owed to entities doing business with or regulated by the individual’s governmental unit; altering the employment schedule of a financial disclosure statement to require certain reporting if the individual’s spouse is a regulated lobbyist; repealing a requirement that the Ethics Commission hold a public hearing under certain circumstances; requiring that certain Ethics Commission regulations require certain regulated lobbyists to file certain statements of recusal under certain circumstances; altering the definition of “interest” as it applies to the Maryland Public Ethics Law to exclude exchange-traded funds; establishing the Citizens’ Advisory Board for Legislative Ethics; providing for the composition of the Board; establishing certain standards and qualifications for Board membership; requiring the Board to regularly offer recommendations to the Committee and the presiding officers regarding changes to the Public Ethics Law, the policies and procedures of the Committee, and public advisory opinions of the Committee; defining a certain term; making certain technical corrections; repealing a certain definition; and generally relating to public ethics.

- 1 ~~BY repealing and reenacting, with amendments,~~
 2 ~~Article – General Provisions~~
 3 ~~Section 5-101(b), (v), (bb), (ff), and (ll), 5-104, 5-202, 5-402, 5-513, 5-514, 5-516,~~
 4 ~~5-518, 5-519, 5-521, 5-522, 5-602, 5-606, and 5-607(k)~~
 5 ~~Annotated Code of Maryland~~
 6 ~~(2014 Volume and 2016 Supplement)~~
- 7 ~~BY repealing~~
 8 ~~Article – General Provisions~~
 9 ~~Section 5-101(u), 5-304, 5-515, and 5-517~~
 10 ~~Annotated Code of Maryland~~
 11 ~~(2014 Volume and 2016 Supplement)~~
- 12 ~~BY adding to~~
 13 ~~Article – General Provisions~~
 14 ~~Section 5-512.1, 5-612, and 5-717~~
 15 ~~Annotated Code of Maryland~~
 16 ~~(2014 Volume and 2016 Supplement)~~
- 17 ~~BY repealing and reenacting, with amendments,~~
 18 ~~Article – State Government~~
 19 ~~Section 2-706 and 2-709~~
 20 ~~Annotated Code of Maryland~~
 21 ~~(2014 Replacement Volume and 2016 Supplement)~~
- 22 ~~BY renumbering~~
 23 ~~Article – General Provisions~~
 24 ~~Section 5-101(w) through (aa), (cc) through (ee), (gg) through (kk), and (mm),~~
 25 ~~respectively~~
 26 ~~to be Section 5-101(v) through (z), (bb) through (dd), (ff) through (jj), and (ll),~~
 27 ~~respectively~~
 28 ~~Annotated Code of Maryland~~
 29 ~~(2014 Volume and 2016 Supplement)~~
- 30 BY repealing and reenacting, without amendments,
 31 Article – General Provisions
 32 Section 5-101(a), 5-501(a), and 5-513
 33 Annotated Code of Maryland
 34 (2014 Volume and 2016 Supplement)
- 35 BY repealing and reenacting, with amendments,
 36 Article – General Provisions
 37 Section 5-101(t) and (v), 5-502, 5-504(d), 5-506, 5-512, 5-514(b)(1), 5-602(d),
 38 5-606, 5-607(g) and (i), and 5-704(f)
 39 Annotated Code of Maryland
 40 (2014 Volume and 2016 Supplement)

1 BY adding to

2 Article – General Provisions
 3 Section 5–501(a–1) and 5–602(f)
 4 Annotated Code of Maryland
 5 (2014 Volume and 2016 Supplement)

6 BY adding to

7 Article – State Government
 8 Section 2–710
 9 Annotated Code of Maryland
 10 (2014 Replacement Volume and 2016 Supplement)

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

13 **Article – General Provisions**

14 5–101.

15 (a) In this title the following words have the meanings indicated unless:

16 (1) the context clearly requires a different meaning; or

17 (2) a different definition is adopted for a particular provision.

18 ~~(b) “Advisory body” means:~~

19 ~~(1) a governmental unit designated by the Court of Appeals to give advice~~
 20 ~~with respect to the application or interpretation of Subtitles 5 and 6 of this title to a State~~
 21 ~~official of the Judicial Branch; OR~~

22 ~~(2) [the Joint Ethics Committee, for questions arising under Subtitle 5 of~~
 23 ~~this title regarding a State official of the Legislative Branch; or~~

24 ~~(3) the Ethics Commission[, for all other questions].~~

25 ~~[(u) “Joint Ethics Committee” means the Joint Committee on Legislative Ethics.]~~

26 (t) (1) “Interest” means a legal or equitable economic interest that is owned or
 27 held wholly or partly, jointly or severally, or directly or indirectly, whether or not the
 28 economic interest is subject to an encumbrance or condition.

29 (2) “Interest” does not include:

30 (i) an interest held in the capacity of agent, custodian, fiduciary,
 31 personal representative, or trustee, unless the holder has an equitable interest in the
 32 subject matter;

1 (ii) an interest in a time or demand deposit in a financial institution;

2 (iii) an interest in an insurance policy, endowment policy, or annuity
 3 contract under which an insurer promises to pay a fixed amount of money in a lump sum
 4 or periodically for life or a specified period;

5 (iv) a common trust fund or a trust that forms part of a pension or a
 6 profit-sharing plan that:

7 1. has more than 25 participants; and

8 2. is determined by the Internal Revenue Service to be a
 9 qualified trust under the Internal Revenue Code or a qualified tuition plan established
 10 pursuant to Section 529 of the Internal Revenue Code; or

11 (v) a mutual fund OR EXCHANGE-TRADED FUND that is publicly
 12 traded on a national scale unless the mutual fund OR EXCHANGE-TRADED FUND is
 13 composed primarily of holdings of stocks and interests in a specific sector or area that is
 14 regulated by the individual's governmental unit.

15 ~~[(v)] (U)~~ (1) "Legislative action" means an official action or nonaction relating
 16 to:

17 (i) a bill, a resolution, an amendment, a nomination, an
 18 appointment, a report, or any other matter within the jurisdiction of the General Assembly;
 19 ~~or~~

20 (ii) a bill presented to the Governor for signature or veto; **OR**

21 **(III) TESTIMONY OR OTHER ADVOCACY IN AN OFFICIAL**
 22 **CAPACITY BEFORE A UNIT OF STATE OR LOCAL GOVERNMENT.**

23 (2) "Legislative action" includes:

24 (i) introduction;

25 (ii) sponsorship;

26 (iii) consideration;

27 (iv) debate;

28 (v) amendment;

29 (vi) passage;

(vii) defeat;

(viii) approval; and

(ix) veto.

~~[(bb)] (AA) "Official" means either a State official or a public official.~~

~~[(ff)] (EE) "Public official" means an individual determined to be a public official under § 5-103 of this subtitle.~~

~~[(ll)] (KK) "State official" means:~~

~~(1) a constitutional officer or officer elect in an executive unit;~~

~~(2) a member or member elect of the General Assembly;~~

~~(3) a judge or judge elect of a court under Article IV, § 1 of the Maryland Constitution;~~

~~(4) a judicial appointee as defined in Maryland Rule 16-814;~~

~~(5) a State's Attorney;~~

~~(6) a clerk of the circuit court;~~

~~(7) a register of wills; or~~

~~(8) a sheriff.~~

~~5-104.~~

~~(a) Except as provided in [subsections (b) and (c)] SUBSECTION (B) of this section, this title shall be administered and implemented by the Ethics Commission.~~

~~(b) [The Joint Ethics Committee, acting as an advisory body, shall administer and implement Subtitle 5 of this title as it applies to members of the General Assembly.~~

~~(c) The Commission on Judicial Disabilities, the Judicial Ethics Committee, or another body designated by the Court of Appeals, acting as an advisory body, shall administer and implement Subtitles 5 and 6 of this title as those subtitles apply to State officials of the Judicial Branch.~~

~~5-202.~~

1 ~~(e) Before taking office, each [appointee] MEMBER APPOINTED BY THE~~
 2 ~~GOVERNOR to the Ethics Commission shall take the oath required by Article I, § 9 of the~~
 3 ~~Maryland Constitution.~~

4 ~~(d) (1) The term of a member APPOINTED BY THE GOVERNOR is 5 years.~~

5 ~~(2) The terms of members APPOINTED BY THE GOVERNOR are staggered~~
 6 ~~as required by the terms in effect for members of the Ethics Commission on October 1, 2013.~~

7 ~~(3) A member APPOINTED BY THE GOVERNOR may serve no more than~~
 8 ~~two consecutive 5-year terms.~~

9 ~~(4) A member who is appointed BY THE GOVERNOR after a term has~~
 10 ~~begun serves for the rest of the term.~~

11 ~~(5) At the end of a term, a member APPOINTED BY THE GOVERNOR may~~
 12 ~~continue to serve until a successor is appointed and qualifies.~~

13 ~~(e) (1) The Governor may remove a member APPOINTED BY THE GOVERNOR~~
 14 ~~for:~~

15 ~~(i) neglect of duty;~~

16 ~~(ii) misconduct in office;~~

17 ~~(iii) a disability that makes the member unable to discharge the~~
 18 ~~powers and duties of office; or~~

19 ~~(iv) a violation of this title.~~

20 ~~(2) Before removing a member APPOINTED BY THE GOVERNOR, the~~
 21 ~~Governor shall give the member:~~

22 ~~(i) written notice of the charges; and~~

23 ~~(ii) an opportunity to answer the charges.~~

24 ~~§ 304.~~

25 ~~(a) If the Ethics Commission issues an advisory opinion about a State official of~~
 26 ~~the Legislative Branch as to a question arising under Subtitle 6 of this title, and if requested~~
 27 ~~by the State official, the Joint Ethics Committee shall issue an advisory opinion on the~~
 28 ~~matter in accordance with this subtitle.~~

1 ~~(b) The opinion of the Joint Ethics Committee prevails to the extent of any~~
 2 ~~inconsistency.]~~

3 ~~5-402.~~

4 ~~(a) For further action after the filing of a complaint, the Ethics Commission~~
 5 ~~promptly shall refer the complaint to:~~

6 ~~(1) the Commission on Judicial Disabilities, if the complaint concerns a~~
 7 ~~judge of a court established under Article IV, § 1 of the Maryland Constitution; OR~~

8 ~~(2) [the Joint Ethics Committee, if the complaint concerns:~~

9 ~~(i) a State official of the Legislative Branch; and~~

10 ~~(ii) a violation of Subtitle 5 of this title; or~~

11 ~~(3)] the staff counsel, if the complaint concerns any other entity.~~

12 ~~(b) On request of the Commission on Judicial Disabilities [or the Joint Ethics~~
 13 ~~Committee], the Ethics Commission shall provide any information or assistance that is not~~
 14 ~~prohibited by law.~~

15 ~~5-501.~~

16 (a) Except as otherwise provided in subsection (c) of this section, an official or
 17 employee may not participate in a matter if:

18 (1) the official or employee or a qualifying relative of the official or
 19 employee has an interest in the matter and the official or employee knows of the interest;
 20 or

21 (2) any of the following is a party to the matter:

22 (i) a business entity in which the official or employee has a direct
 23 financial interest of which the official or employee reasonably may be expected to know;

24 (ii) a business entity, including a limited liability company or a
 25 limited liability partnership, of which any of the following is an officer, a director, a trustee,
 26 a partner, or an employee:

27 1. the official or employee; or

28 2. if known to the official or employee, a qualifying relative
 29 of the official or employee;

1 (iii) a business entity with which any of the following has applied for
2 a position, is negotiating employment, or has arranged prospective employment:

3 1. the official or employee; or

4 2. if known to the official or employee, a qualifying relative
5 of the official or employee;

6 (iv) if the contract reasonably could be expected to result in a conflict
7 between the private interest and the official State duties of the official or employee, a
8 business entity that is a party to a contract with:

9 1. the official or employee; or

10 2. if known to the official or employee, a qualifying relative
11 of the official or employee;

12 (v) a business entity, either engaged in a transaction with the State
13 or subject to regulation by the official's or employee's governmental unit, in which a direct
14 financial interest is owned by another business entity if the official or employee:

15 1. has a direct financial interest in the other business entity;

16 and

17 2. reasonably may be expected to know of both financial
18 interests; or

19 (vi) a business entity that:

20 1. the official or employee knows is a creditor or an obligee of
21 the official or employee, or of a qualifying relative of the official or employee, with respect
22 to a thing of economic value; and

23 2. as a creditor or an obligee, is in a position to affect directly
24 and substantially the interest of the official, employee, or qualifying relative.

25 **(A-1) A FORMER REGULATED LOBBYIST WHO IS OR BECOMES SUBJECT TO**
26 **REGULATION UNDER THIS TITLE AS A PUBLIC OFFICIAL OR EMPLOYEE MAY NOT**
27 **PARTICIPATE IN A CASE, CONTRACT, OR OTHER SPECIFIC MATTER AS A PUBLIC**
28 **OFFICIAL OR EMPLOYEE FOR 1 CALENDAR YEAR AFTER THE TERMINATION OF THE**
29 **REGISTRATION OF THE FORMER REGULATED LOBBYIST IF THE FORMER REGULATED**
30 **LOBBYIST PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY IN THE**
31 **MATTER.**

32 5-502.

- 1 (a) This section does not apply to members of the General Assembly.
- 2 (b) Except as provided in subsections (c) and (d) of this section, an official or
3 employee may not:
- 4 (1) be employed by or have a financial interest in:
- 5 (i) an entity subject to the authority of that official or employee or
6 of the governmental unit with which the official or employee is affiliated; or
- 7 (ii) an entity that is negotiating or has entered a contract with that
8 governmental unit or an entity that is a subcontractor on a contract with that governmental
9 unit; or
- 10 (2) hold any other employment relationship that would impair the
11 impartiality and independent judgment of the official or employee.
- 12 (c) The prohibitions of subsection (b) of this section do not apply:
- 13 (1) to employment or a financial interest allowed by regulation of the
14 Ethics Commission if:
- 15 (i) the employment does not create a conflict of interest or the
16 appearance of a conflict of interest; or
- 17 (ii) the financial interest is disclosed;
- 18 (2) to a public official who is appointed to a regulatory or licensing unit in
19 accordance with a statutory requirement that entities subject to the jurisdiction of the unit
20 be represented in appointments to it;
- 21 (3) as allowed by regulations adopted by the Ethics Commission, to an
22 employee whose government duties are ministerial, if the private employment or financial
23 interest does not create a conflict of interest or the appearance of a conflict of interest; or
- 24 (4) to a member of a board who holds the employment or financial interest
25 when appointed if the employment or financial interest is disclosed publicly to the
26 appointing authority, the Ethics Commission, and, if applicable, the Senate of Maryland
27 before Senate confirmation.
- 28 (d) (1) Subject to paragraph (2) of this subsection, the Ethics Commission may
29 exempt a public official of an executive unit or an employee of an executive unit from the
30 prohibitions of subsection (b) of this section if the Ethics Commission determines that:
- 31 (i) failure to grant the exemption would limit the ability of the State
32 to:

1 1. recruit and hire highly qualified or uniquely qualified
 2 professionals for public service; or

3 2. assure the availability of competent services to the public;
 4 and

5 (ii) the number of exemptions granted under this subsection has not
 6 eroded the purposes of subsection (b) of this section or other provisions of this title.

7 (2) (i) The Ethics Commission may grant an exemption under
 8 paragraph (1) of this subsection only:

9 1. in extraordinary situations; and

10 2. on the recommendation of the Governor, at the request of
 11 the executive unit involved.

12 (ii) The Ethics Commission shall apply this subsection as
 13 consistently as possible under similar facts and circumstances.

14 **(E) THE ETHICS COMMISSION SHALL MAKE FREELY AVAILABLE ON THE**
 15 **INTERNET DOCUMENTATION OF A DISCLOSURE REQUIRED UNDER SUBSECTION**
 16 **(C)(4) OF THIS SECTION.**

17 5-504.

18 (d) (1) Except for a former member of the General Assembly ~~OR A FORMER~~
 19 ~~OFFICIAL OR EMPLOYEE OF THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH,~~
 20 who shall be subject to the restrictions provided under paragraph (2) of this subsection, a
 21 former official or employee may not assist or represent a party, other than the State, in a
 22 case, a contract, or any other specific matter for compensation if:

23 (i) the matter involves State government; and

24 (ii) the former official or employee participated significantly in the
 25 matter as an official or employee.

26 (2) (i) **IN THIS PARAGRAPH, "LEGISLATIVE ACTION" DOES NOT**
 27 **INCLUDE TESTIMONY OR OTHER ADVOCACY IN AN OFFICIAL CAPACITY BEFORE A**
 28 **UNIT OF STATE OR LOCAL GOVERNMENT.**

29 **(II)** Except as provided in subparagraph ~~(iii)~~ **(III)** of this paragraph[,
 30 until the conclusion of the next regular session that begins after the member leaves office,]:

1 1. a former member of the General Assembly may not assist
2 or represent another party for compensation in a matter that is the subject of legislative
3 action **FOR 1 CALENDAR YEAR AFTER THE MEMBER LEAVES OFFICE; AND**

4 2. ~~A FORMER OFFICIAL OR EMPLOYEE OF THE~~
5 ~~LEGISLATIVE BRANCH OR EXECUTIVE BRANCH~~ **GOVERNOR, LIEUTENANT**
6 **GOVERNOR, ATTORNEY GENERAL, COMPTROLLER, OR STATE TREASURER MAY**
7 **NOT ASSIST OR REPRESENT ANOTHER PARTY FOR COMPENSATION IN A MATTER**
8 **THAT IS THE SUBJECT OF LEGISLATIVE ACTION FOR 1 CALENDAR YEAR AFTER THE**
9 ~~OFFICIAL OR EMPLOYEE LEAVES EMPLOYMENT WITH THE LEGISLATIVE BRANCH OR~~
10 ~~THE EXECUTIVE BRANCH~~ **STATE OFFICE.**

11 ~~(ii)~~ **(III)** The limitation under subparagraph ~~(i)~~ **(II)** of this
12 paragraph on representation by a former member of the General Assembly **OR BY A**
13 ~~FORMER OFFICIAL OR EMPLOYEE OF THE LEGISLATIVE BRANCH OR EXECUTIVE~~
14 ~~BRANCH~~ **GOVERNOR, LIEUTENANT GOVERNOR, ATTORNEY GENERAL,**
15 **COMPTROLLER, OR STATE TREASURER** does not apply to [the former member's]
16 representation of a municipal corporation, county, or State governmental entity.

17 5-506.

18 (a) **(1)** An official or employee may not intentionally use the prestige of office
19 or public position:

20 **(I)** for that official's or employee's private gain or that of another;
21 **OR**

22 **(II)** TO INFLUENCE, EXCEPT AS PART OF THE OFFICIAL DUTIES
23 OF THE OFFICIAL OR EMPLOYEE OR AS A USUAL AND CUSTOMARY CONSTITUENT
24 SERVICE WITHOUT ADDITIONAL COMPENSATION, THE AWARD OF A STATE OR LOCAL
25 CONTRACT TO A SPECIFIC PERSON.

26 **(2)** AN OFFICIAL MAY NOT DIRECTLY OR INDIRECTLY INITIATE A
27 SOLICITATION FOR A PERSON TO RETAIN THE COMPENSATED SERVICES OF A
28 PARTICULAR REGULATED LOBBYIST OR LOBBYING FIRM.

29 (b) The performance of usual and customary constituent services, without
30 additional compensation, is not prohibited under subsection (a) of this section.

31 **(C)** A PUBLIC OFFICIAL OR EMPLOYEE MAY NOT USE PUBLIC RESOURCES OR
32 THE TITLE OF THE PUBLIC OFFICIAL OR EMPLOYEE TO SOLICIT A POLITICAL
33 CONTRIBUTION THAT IS REGULATED IN ACCORDANCE WITH THE ELECTION LAW
34 ARTICLE.

~~5-512.1.~~

~~A MEMBER OF THE GENERAL ASSEMBLY MAY NOT TAKE LEGISLATIVE ACTION, OR OTHERWISE ATTEMPT TO INFLUENCE ANY LEGISLATION, THAT AFFECTS AN ENTITY:~~

~~(1) THAT EMPLOYS THE MEMBER OR IN WHICH THE MEMBER HAS, OR IS IN THE PROCESS OF ACQUIRING, AN INTEREST; AND~~

~~(2) THAT THE STATE HAS AWARDED, OR FOR WHICH THE STATE IS REVIEWING AN AWARD OF, A LICENSE, LEASE, OR CONTRACT OR ANY STATE FUNDS.~~

~~5-513.~~

~~(a) (1) Except as provided in paragraph (2) of this subsection, the disqualification arising under § 5-512 of this subtitle is suspended if a legislator with an apparent or presumed conflict files with the [Joint Ethics Committee] ETHICS COMMISSION a sworn statement that:~~

~~(i) describes the circumstances of the apparent or presumed conflict and the legislation or class of legislation to which it relates; and~~

~~(ii) asserts that the legislator is able to participate in legislative action relating to the legislation fairly, objectively, and in the public interest.~~

~~(2) (i) Except as provided in subparagraph (ii) of this paragraph, the disqualification arising under § 5-512 of this subtitle may not be suspended if the conflict is direct and personal to:~~

~~1. the legislator;~~

~~2. a member of the legislator's immediate family; or~~

~~3. the legislator's employer.~~

~~(ii) This paragraph does not apply to a vote on:~~

~~1. the annual operating budget bill, in its entirety; or~~

~~2. the annual capital budget bill, in its entirety.~~

~~(b) (1) Whenever a legislator files a statement described in subsection (a)(1) of this section, the [Joint Ethics Committee] ETHICS COMMISSION on its own motion may issue a statement concerning the propriety of the legislator's participation in the particular legislative action, with reference to the applicable ethical standards.~~

1 ~~(2) The suspension of the disqualification by the filing of the statement is~~
2 ~~subject to further action by the [Joint Ethics Committee] ETHICS COMMISSION if the~~
3 ~~question of conflict comes before the [Committee] COMMISSION as to the same~~
4 ~~circumstances and the same legislator.~~

5 ~~(e) A member who is disqualified from participating in legislative action under~~
6 ~~subsection (a)(2)(i) of this section, or who chooses to be excused from participating in~~
7 ~~legislative action on a bill or class of bills because of the appearance or presumption of a~~
8 ~~conflict, shall file in a timely manner a statement with the [Joint Ethics Committee]~~
9 ~~ETHICS COMMISSION that describes the circumstances of the apparent or presumed~~
10 ~~conflict.~~

11 ~~(d) All statements filed under this section shall be:~~

12 ~~(1) filed electronically on a form required by the [Joint Ethics Committee]~~
13 ~~ETHICS COMMISSION; and~~

14 ~~(2) maintained as a matter of public record as required in subsection (e) of~~
15 ~~this section.~~

16 ~~(e) (1) The [Department of Legislative Services] ETHICS COMMISSION shall:~~

17 ~~(i) compile the statements filed under this section;~~

18 ~~(ii) make the statements available for public inspection as provided~~
19 ~~in the Public Information Act; and~~

20 ~~(iii) as to statements filed on or after January 1, 2013, make the~~
21 ~~statements freely available to the public on the Internet through an online registration~~
22 ~~program.~~

23 ~~(2) As to each statement, the Internet posting shall indicate:~~

24 ~~(i) whether the [Joint Ethics Committee] ETHICS COMMISSION~~
25 ~~has made a determination under subsection (b) of this section;~~

26 ~~(ii) the determination made, if any; and~~

27 ~~(iii) the date, if any, on which the determination was made.~~

28 ~~5-514.~~

29 ~~(a) (1) Except as provided in paragraph (2) or (3) of this subsection, a member~~
30 ~~of the General Assembly, a filed candidate for election to the General Assembly, or a~~
31 ~~member elect of the General Assembly may not receive earned income from:~~

1 (i) ~~an executive unit; or~~

2 (ii) ~~a political subdivision of the State.~~

3 (2) ~~The [Joint Ethics Committee] ETHICS COMMISSION may exempt an~~
4 ~~individual from the provisions of paragraph (1) of this subsection if the earned income is~~
5 ~~for:~~

6 (i) ~~educational instruction provided by the member, candidate, or~~
7 ~~member elect;~~

8 (ii) ~~a position that is subject to a merit system hiring process;~~

9 (iii) ~~a human services position; or~~

10 (iv) ~~a career promotion, change, or progression that is a logical~~
11 ~~transition from a pre-existing relationship as described in paragraph (3)(ii) of this~~
12 ~~subsection.~~

13 (3) ~~This subsection does not apply to compensation to a member, candidate,~~
14 ~~or member elect derived from:~~

15 (i) ~~employment as a non-elected law enforcement officer or a fire or~~
16 ~~rescue squad worker; or~~

17 (ii) ~~a transaction or relationship that existed before the individual:~~

18 1. ~~filed a certificate of candidacy for election to the General~~
19 ~~Assembly while the individual was not an incumbent member of the General Assembly; or~~

20 (b) (1) ~~[A] ON OR BEFORE THE FIRST DAY OF A LEGISLATOR'S TERM AND~~
21 ~~WITHIN 7 DAYS AFTER ANY CHANGE IN INFORMATION, A legislator shall report the~~
22 ~~following information in writing to the [Joint Ethics Committee at the times and in the~~
23 ~~manner required by the Joint Ethics Committee] ETHICS COMMISSION:~~

24 (i) ~~subject to paragraph (2) of this subsection, if THE LEGISLATOR~~
25 ~~OR THE LEGISLATOR'S SPOUSE IS representing a person [for compensation] before a~~
26 ~~State or local government agency, except in a judicial proceeding or in a quasi-judicial~~
27 ~~proceeding, the name of the person represented, the services performed, and the~~
28 ~~consideration, IF ANY;~~

29 (ii) ~~if representing a State or local government agency for~~
30 ~~compensation, the name of the agency, the services performed, and the consideration;~~

~~(iii) the name of any business enterprise subject to regulation by a State agency in which the legislator and a member of the legislator's immediate family (spouse and children living with the legislator), together or separately, have:~~

~~1. the lesser of:~~

~~A. 10% or more of the capital stock of any corporation; or~~

~~B. capital stock of any corporation with a cumulative value of \$25,000 or more; and~~

~~2. any interest in a partnership, limited liability partnership, or limited liability company;~~

~~(iv) details of any contractual relationship with a governmental entity of the State or a local government in the State, including the subject matter and the consideration;~~

~~(v) details of any transaction with a governmental entity of the State or a local government in the State involving a monetary consideration; [and]~~

~~(vi) any primary employment or business interest and the employer of the legislator or the spouse of the legislator, except for employment as a legislator; AND~~

~~(VII) IF A LEGISLATOR IS MARRIED TO A REGISTERED LOBBYIST, DETAILS OF ALL PAYMENTS, COMPENSATION, OR OTHER INTERESTS ACCRUING TO THE LEGISLATOR'S SPOUSE OR THE SPOUSE'S EMPLOYER AS A RESULT OF SERVICES RENDERED.~~

~~(2) A legislator, on the written advice of the Counsel to the [Joint Ethics Committee] ETHICS COMMISSION, is not required to report any information under this subsection if reporting the information would violate standards ESTABLISHED IN LAW of client confidentiality or professional conduct.~~

~~(3) The [Joint Ethics Committee] ETHICS COMMISSION may adopt procedures to keep confidential the name of the person represented in a report filed under subsection (b)(1)(i) of this section if that information is privileged or confidential under any law governing proceedings before that State or local government agency.~~

~~(e) All reports filed under this section shall be:~~

~~(1) filed electronically on a form required by the [Joint Ethics Committee] ETHICS COMMISSION; and~~

~~(2) maintained as a matter of public record as required in subsection (d) of this section.~~

1 (d) (1) ~~The [Department of Legislative Services] ETHICS COMMISSION shall:~~

2 (i) ~~compile the reports filed under this section;~~

3 (ii) ~~make the reports available for public inspection as provided in~~
4 ~~the Public Information Act; and~~

5 (iii) ~~as to reports filed on or after January 1, 2013, and except as~~
6 ~~provided in paragraph (2) of this subsection, make the reports freely available to the public~~
7 ~~on the Internet through an online registration program.~~

8 (2) ~~The [Department of Legislative Services] ETHICS COMMISSION may~~
9 ~~not post on the Internet information related to consideration received that is reported under~~
10 ~~subsection (b) of this section.~~

11 ~~§ 5-515.~~

12 (a) (1) ~~A legislator may request a written opinion from the Joint Ethics~~
13 ~~Committee on the propriety of any current or proposed conduct of the legislator and~~
14 ~~involving the applicable standards of ethical conduct for legislators established by law, rule,~~
15 ~~or other standard of ethical conduct.~~

16 (2) ~~A request for an opinion shall:~~

17 (i) ~~be in writing and signed by the legislator;~~

18 (ii) ~~be addressed to the Joint Ethics Committee or either cochair;~~

19 (iii) ~~be submitted in a timely manner; and~~

20 (iv) ~~include a complete and accurate statement of the relevant facts.~~

21 (3) ~~If a request is unclear or incomplete, the Joint Ethics Committee may~~
22 ~~seek additional information from the legislator.~~

23 (4) (i) ~~The Counsel to the Joint Ethics Committee shall prepare for the~~
24 ~~Committee a response to each written request for an opinion under this subsection.~~

25 (ii) ~~Each opinion shall discuss all applicable laws, rules, or other~~
26 ~~standards.~~

27 (5) ~~Except as provided in paragraph (6)(i) of this subsection, an opinion~~
28 ~~must be approved by a majority of the members of the Joint Ethics Committee.~~

1 ~~(6) (i) The cochairs of the Joint Ethics Committee may approve an~~
2 ~~opinion on behalf of the Committee if they determine that the opinion is consistent with~~
3 ~~prior precedent and therefore does not require consideration by the full Committee.~~

4 ~~(ii) An opinion issued under subparagraph (i) of this paragraph shall~~
5 ~~be distributed to each member of the Joint Ethics Committee not later than the next~~
6 ~~meeting of the Committee.~~

7 ~~(iii) Notwithstanding subparagraph (i) of this paragraph, if a cochair~~
8 ~~of the Joint Ethics Committee is the legislator requesting the opinion, the opinion must be~~
9 ~~approved by a majority of the Committee.~~

10 ~~(b) The Joint Ethics Committee is not required to issue an opinion if the request~~
11 ~~is not made in a timely manner.~~

12 ~~(c) The Joint Ethics Committee on its own motion may issue opinions as it~~
13 ~~considers appropriate.~~

14 ~~(d) (1) The cochairs shall determine whether an opinion shall be made public,~~
15 ~~with deletions and changes necessary to protect the legislator's identity.~~

16 ~~(2) (i) The Counsel to the Joint Ethics Committee shall compile and~~
17 ~~index each opinion that will be made public.~~

18 ~~(ii) The compilation of opinions shall be distributed to each member~~
19 ~~of the General Assembly and shall be available to the public.~~

20 ~~(e) The Joint Ethics Committee may take no adverse action with regard to~~
21 ~~conduct that has been undertaken in reliance on a written opinion if the conduct conforms~~
22 ~~to the specific facts addressed in the opinion.~~

23 ~~(f) Information provided to the Joint Ethics Committee by a legislator seeking~~
24 ~~advice regarding prospective conduct may not be used as the basis for initiating an~~
25 ~~investigation under this section if the legislator acts in good faith in accordance with the~~
26 ~~advice of the Committee.~~

27 ~~(g) (1) An opinion issued under this section is binding on any legislator to~~
28 ~~whom it is addressed.~~

29 ~~(2) A published opinion is binding on all members of the General~~
30 ~~Assembly.]~~

31 ~~5-516.~~

32 ~~(a) A complaint alleging that a member of the General Assembly may have~~
33 ~~violated standards of ethical conduct, including § 2-108 of the State Government Article,~~
34 ~~may be filed with the [Joint Ethics Committee] ETHICS COMMISSION by:~~

1 ~~(1) a written statement from any person, accompanied by an affidavit,~~
2 ~~setting forth the facts on which the statement is based;~~

3 ~~(2) motion of a majority of the membership of the [Joint Ethics Committee]~~
4 ~~ETHICS COMMISSION; or~~

5 ~~(3) referral of a matter to the [Joint Ethics Committee] ETHICS~~
6 ~~COMMISSION by a presiding officer of the General Assembly as provided in § 2-706(a)(5)~~
7 ~~of the State Government Article.~~

8 ~~(b) (1) The [Joint Ethics Committee] ETHICS COMMISSION shall provide a~~
9 ~~copy of each complaint filed under subsection (a) of this section to the presiding officer of~~
10 ~~the house of the legislator who is the subject of the complaint.~~

11 ~~(2) Based on the information contained in a complaint provided to a~~
12 ~~presiding officer under paragraph (1) of this subsection, if a presiding officer determines~~
13 ~~that it is inappropriate for [a Joint Ethics Committee] THE ETHICS COMMISSION member~~
14 ~~from that house to consider a particular matter, the presiding officer shall appoint a~~
15 ~~substitute member to the [Joint Ethics Committee] ETHICS COMMISSION for its~~
16 ~~consideration of the matter.~~

17 ~~§ 5-517.~~

18 ~~(a) Except as provided in subsection (b) of this section, any matter before the Joint~~
19 ~~Ethics Committee, including information relating to any complaint, proceeding, or record~~
20 ~~of the Joint Ethics Committee, shall remain confidential.~~

21 ~~(b) Public access and inspection of an activity or a record of the Joint Ethics~~
22 ~~Committee shall be available for:~~

23 ~~(1) a disclosure or disclaimer of a conflict of interest form filed with the~~
24 ~~Joint Ethics Committee;~~

25 ~~(2) a portion of a meeting in which a disclosure or disclaimer form is~~
26 ~~reviewed by the Joint Ethics Committee;~~

27 ~~(3) information relating to a complaint, proceeding, or record of the Joint~~
28 ~~Ethics Committee involving a member of the General Assembly if consent to public access~~
29 ~~and inspection is granted by:~~

30 ~~(i) the member involved in the matter; or~~

31 ~~(ii) a three-fourths vote of the full membership of the Joint Ethics~~
32 ~~Committee, based on criteria established by rule;~~

1 ~~(4) a rule or broadly applicable opinion issued by the Joint Ethics~~
2 ~~Committee; or~~

3 ~~(5) any matter or record that is otherwise available for public access or~~
4 ~~inspection as specifically authorized under this subtitle.]~~

5 ~~5-518.~~

6 ~~(a) After the filing or preparation of a complaint under § 5-516 of this subtitle,~~
7 ~~the [Joint Ethics Committee] ETHICS COMMISSION shall review the complaint and~~
8 ~~proceed in accordance with § 5-519 of this subtitle unless, after examining the complaint~~
9 ~~and the issues raised by it, the [Committee] COMMISSION finds that further proceedings~~
10 ~~are not justified because:~~

11 ~~(1) the complaint is frivolous;~~

12 ~~(2) the complaint does not allege actions on the part of the accused~~
13 ~~legislator that provide reason to believe that a violation may have occurred;~~

14 ~~(3) the matters alleged are not within the jurisdiction of the [Joint Ethics~~
15 ~~Committee] ETHICS COMMISSION;~~

16 ~~(4) the violations alleged were inadvertent, technical, or minor, or have~~
17 ~~been cured, and, after consideration of all of the circumstances then known, further~~
18 ~~proceedings would not serve the purposes of this subtitle; or~~

19 ~~(5) for other reasons, after consideration of all the circumstances, further~~
20 ~~proceedings would not serve the purposes of this subtitle.~~

21 ~~(b) (1) If a finding is made under subsection (a) of this section, the [Joint~~
22 ~~Ethics Committee] ETHICS COMMISSION shall:~~

23 ~~(i) submit a report of its conclusions to the presiding officer or to the~~
24 ~~membership of the branch of the legislature of which the accused legislator is a member,~~
25 ~~and the proceedings shall be terminated;~~

26 ~~(ii) provide advice or guidance to the accused legislator; or~~

27 ~~(iii) provide the accused legislator with an opportunity to cure any~~
28 ~~minor violation of ethical standards.~~

29 ~~(2) (i) Subject to § 5-517 of this subtitle, notice of the [Joint Ethics~~
30 ~~Committee's] ETHICS COMMISSION'S action shall be provided to the accused legislator~~
31 ~~and to any person who filed the complaint.~~

1 (ii) ~~On request, the accused legislator may see the complaint and the~~
2 ~~report.~~

3 (e) ~~If no finding is made under subsection (a) of this section, the [Joint Ethics~~
4 ~~Committee] ETHICS COMMISSION shall prepare an allegation summary, based on its~~
5 ~~examination under subsection (a) of this section, setting forth the alleged facts and the~~
6 ~~issues then known that merit further proceedings.~~

7 (d) ~~After review of a complaint, the [Joint Ethics Committee] ETHICS~~
8 ~~COMMISSION shall provide a statement of its findings to the accused legislator.~~

9 ~~5-519.~~

10 (a) (1) ~~Except as to proceedings terminated in accordance with § 5-518(b) of~~
11 ~~this subtitle, the [Joint Ethics Committee] ETHICS COMMISSION shall provide to the~~
12 ~~accused legislator a copy of:~~

13 (i) ~~the complaint filed or prepared in accordance with § 5-516 of this~~
14 ~~subtitle; and~~

15 (ii) ~~the allegation summary prepared in accordance with § 5-518(e)~~
16 ~~of this subtitle.~~

17 (2) ~~The accused legislator shall be allowed an opportunity to file a written~~
18 ~~answer to the allegation summary.~~

19 (b) ~~Following notification of the accused legislator, the [Joint Ethics Committee]~~
20 ~~ETHICS COMMISSION may:~~

21 (1) ~~terminate the proceedings; or~~

22 (2) ~~schedule a hearing and notify the accused legislator of the time,~~
23 ~~location, and procedures of the hearing.~~

24 (c) (1) ~~The [Joint Ethics Committee] ETHICS COMMISSION may amend the~~
25 ~~allegation summary at any time.~~

26 (2) ~~If an allegation summary is amended under paragraph (1) of this~~
27 ~~subsection, the accused legislator shall be allowed an opportunity to file a written answer~~
28 ~~to the amended allegation summary.~~

29 ~~[5-520.~~

30 (a) ~~The Joint Ethics Committee shall adopt written procedures for conducting a~~
31 ~~hearing to consider a complaint, an allegation summary, and a written answer, if any.~~

1 ~~(b) The written procedures adopted by the Joint Ethics Committee under~~
2 ~~subsection (a) of this section:~~

3 ~~(1) shall be available for public inspection;~~

4 ~~(2) shall be provided to the legislator who is the subject of a hearing;~~

5 ~~(3) shall allow the accused legislator to:~~

6 ~~(i) be represented by counsel;~~

7 ~~(ii) cross-examine witnesses; and~~

8 ~~(iii) be provided an opportunity to inspect, in a reasonable manner,~~
9 ~~any records that the Joint Ethics Committee intends to use during the hearing, subject to~~
10 ~~limitations established by the Joint Ethics Committee in the written procedures; and~~

11 ~~(4) subject to items (1) and (2) of this subsection, may be amended by the~~
12 ~~Joint Ethics Committee at any time.~~

13 ~~(e) (1) (i) If the Joint Ethics Committee determines that a hearing is~~
14 ~~required under § 5-519(b)(2) of this subtitle, the Joint Ethics Committee, by a two-thirds~~
15 ~~vote of its full membership, may issue one or more subpoenas that require the appearance~~
16 ~~of a person, the production of relevant records, and the giving of relevant testimony.~~

17 ~~(ii) If the Joint Ethics Committee exercises subpoena powers under~~
18 ~~this paragraph, the legislator who is the subject of the investigation may require the Joint~~
19 ~~Ethics Committee to issue one or more subpoenas on the legislator's behalf.~~

20 ~~(2) A request to appear, an appearance, or a submission of evidence does~~
21 ~~not limit the subpoena power of the Joint Ethics Committee.~~

22 ~~(3) A subpoena issued under paragraph (1) of this subsection shall be~~
23 ~~served:~~

24 ~~(i) in the manner provided by law for service of a subpoena in a civil~~
25 ~~action;~~

26 ~~(ii) before the time that the subpoena sets for appearance or~~
27 ~~production of records; and~~

28 ~~(iii) with the following documents:~~

29 ~~1. a copy of this title;~~

30 ~~2. a copy of the rules of the Joint Ethics Committee; and~~

1 ~~3. if the subpoena requires the appearance of a person, notice~~
2 ~~that counsel may accompany the person.~~

3 ~~(4) A person who is subpoenaed to appear at a hearing is entitled to receive~~
4 ~~the fees and allowances that are provided for a person who is subpoenaed by a circuit court.~~

5 ~~(5) A person may be held in contempt if the person unjustifiably:~~

6 ~~(i) fails or refuses to comply with a subpoena for appearance;~~

7 ~~(ii) appears but fails or refuses to testify under oath; or~~

8 ~~(iii) disobeys a directive of the presiding chair at the hearing to~~
9 ~~answer a relevant question or to produce a record, including an electronic record, that has~~
10 ~~been subpoenaed, unless the directive is overruled by a majority vote of the members of the~~
11 ~~Joint Ethics Committee who are present at the hearing.~~

12 ~~(6) By a two-thirds vote of its full membership, the Joint Ethics Committee~~
13 ~~may apply for a contempt citation to a circuit court.]~~

14 ~~5-521.~~

15 ~~(a) The [Joint Ethics Committee] ETHICS COMMISSION may make a finding~~
16 ~~developed from:~~

17 ~~(1) information presented during the hearing;~~

18 ~~(2) the allegation summary and any amendments to it;~~

19 ~~(3) the written answer of the accused legislator to the allegation summary,~~
20 ~~if any; and~~

21 ~~(4) any other information provided to the [Joint Ethics Committee]~~
22 ~~ETHICS COMMISSION and made available to the accused legislator.~~

23 ~~[(b) Consistent with the purposes of this title, the Joint Ethics Committee may~~
24 ~~establish criteria for making a finding in its written procedures established under §~~
25 ~~5-520(a) of this subtitle.]~~

26 ~~[(c) (B) If the [Joint Ethics Committee] ETHICS COMMISSION makes a~~
27 ~~finding under this section, the [Joint Ethics Committee] ETHICS COMMISSION shall:~~

28 ~~(1) terminate the proceeding against the accused legislator; or~~

1 ~~(2) issue any recommendations to the presiding officer of the house of the~~
2 ~~accused legislator or to the full house of the accused legislator, including any~~
3 ~~recommendations for appropriate sanctions.~~

4 ~~5-522.~~

5 ~~If the [Joint Ethics Committee] ETHICS COMMISSION, at any time during its~~
6 ~~consideration of any complaint or allegation summary or during any proceeding, finds that~~
7 ~~there are reasonable grounds to believe that a legislator may have committed a crime, the~~
8 ~~[Joint Ethics Committee] ETHICS COMMISSION shall:~~

9 ~~(1) refer the matter to an appropriate prosecuting authority; and~~

10 ~~(2) provide any information or evidence to the prosecuting authority that~~
11 ~~the [Joint Ethics Committee] ETHICS COMMISSION determines is appropriate.~~

12 ~~5-602.~~

13 ~~(a) Except as otherwise provided in this subtitle, a statement filed under § 5-601,~~
14 ~~§ 5-603, § 5-604, or § 5-605 of this subtitle shall:~~

15 ~~(1) be filed electronically with the Ethics Commission;~~

16 ~~(2) be filed under oath;~~

17 ~~(3) be filed on or before April 30 of each year;~~

18 ~~(4) cover the calendar year immediately preceding the year of filing; and~~

19 ~~(5) contain the information required in § 5-607 of this subtitle.~~

20 ~~[(b) A member of the General Assembly shall file the statement with the Ethics~~
21 ~~Commission and the Joint Ethics Committee.]~~

22 ~~[(c) (B) (1) In addition to the statement filed under § 5-601 of this subtitle,~~
23 ~~a member of the General Assembly shall file a preliminary disclosure on or before the~~
24 ~~seventh day of the regular legislative session if there will be a substantial change in the~~
25 ~~statement covering the calendar year immediately preceding the year of filing, as compared~~
26 ~~to the next preceding calendar year.~~

27 ~~(2) A member of the General Assembly whose statement under § 5-601 of~~
28 ~~this subtitle will not contain a substantial change is not required to file a preliminary~~
29 ~~disclosure under paragraph (1) of this subsection.~~

30 ~~(3) The [Joint Ethics Committee] ETHICS COMMISSION shall determine:~~

1 ~~(i) the form of a preliminary disclosure under this subsection; and~~

2 ~~(ii) which aspects of financial disclosure are subject to this~~
 3 ~~subsection.~~

4 ~~(4) A preliminary disclosure shall be filed and maintained, and may be~~
 5 ~~disclosed, in the same manner required for a statement filed under § 5-601 of this subtitle.~~

6 ~~[(d)] (C) (1) The Ethics Commission shall develop and implement procedures:~~

7 ~~(i) for the electronic filing of a statement under this subtitle; and~~

8 ~~(ii) for the Ethics Commission to grant an exemption to the~~
 9 ~~requirement under subsection (a)(1) of this section.~~

10 ~~(2) (i) To comply with the requirement of paragraph (1) of this~~
 11 ~~subsection, the Ethics Commission may adopt regulations to modify the format for~~
 12 ~~disclosure of information required under § 5-607 of this subtitle.~~

13 ~~(ii) The regulations adopted under this paragraph shall be~~
 14 ~~consistent with the intent of this title.~~

15 ~~[(e)] (D) (1) If the financial disclosure statement filed electronically under~~
 16 ~~subsection (d) of this section is required to be made under oath or affirmation, the oath or~~
 17 ~~affirmation shall be made by an electronic signature that is:~~

18 ~~(i) in the financial disclosure statement or attached to and made~~
 19 ~~part of the financial disclosure statement; and~~

20 ~~(ii) made expressly under the penalties for perjury.~~

21 ~~(2) An electronic signature made under paragraph (1) of this subsection~~
 22 ~~subjects the individual making it to the penalties for perjury to the same extent as an oath~~
 23 ~~or affirmation made before an individual authorized to administer oaths.~~

24 ~~§ 5-606.~~

25 ~~(a) (1) The Ethics Commission [and the Joint Ethics Committee] shall~~
 26 ~~maintain the statements submitted under this subtitle and, during normal office hours,~~
 27 ~~make the statements available to the public for examination and copying.~~

28 ~~(2) The Ethics Commission [and the Joint Ethics Committee] may charge~~
 29 ~~a reasonable fee and adopt administrative procedures for the examination and copying of a~~
 30 ~~statement.~~

31 ~~(b) (1) The Ethics Commission [and the Joint Ethics Committee] shall~~
 32 ~~maintain a record of:~~

1 (i) ~~the name and home address of each individual who examines or~~
2 ~~copies a statement under this section; and~~

3 (ii) ~~the name of the individual whose statement was examined or~~
4 ~~copied.~~

5 (2) ~~On the request of the individual whose statement was examined or~~
6 ~~copied, the Ethics Commission [or the Joint Ethics Committee] shall forward to that~~
7 ~~individual a copy of the record specified in paragraph (1) of this subsection.~~

8 ~~5-607.~~

9 (k) ~~To the extent not reported under subsections (a) through (j) of this section, a~~
10 ~~statement filed by a member of the General Assembly shall include:~~

11 (1) ~~the information required under § 5-514(b) of this title; and~~

12 (2) ~~an acknowledgment, signed by the member, that any information~~
13 ~~required under § 5-514(b) of this title that becomes reportable after the statement is filed~~
14 ~~shall be reported immediately to the [Joint Ethics Committee] ETHICS COMMISSION as~~
15 ~~required by § 5-514(b) of this title.~~

16 ~~5-612.~~

17 ~~IF AN OFFICIAL OF THE EXECUTIVE BRANCH IS MARRIED TO A REGISTERED~~
18 ~~LOBBYIST, THE OFFICIAL SHALL REPORT TO THE ETHICS COMMISSION DETAILS OF~~
19 ~~ALL PAYMENTS, COMPENSATION, OR OTHER INTERESTS ACCRUING TO THE~~
20 ~~OFFICIAL'S SPOUSE OR THE SPOUSE'S EMPLOYER AS A RESULT OF SERVICES~~
21 ~~RENDERED.~~

22 ~~5-717.~~

23 ~~A REGULATED LOBBYIST OR AN INDIVIDUAL WHO IS EMPLOYED BY A BUSINESS~~
24 ~~ENTITY THAT DERIVES A MAJORITY OF ITS INCOME FROM LOBBYING ACTIVITIES MAY~~
25 ~~NOT SERVE ON A BOARD.~~

26 ~~Article State Government~~

27 ~~2-706.~~

28 ~~[(a)] The Committee shall:~~

29 (1) ~~perform all duties assigned to it by law or by legislative rules;~~

1 ~~(2) from time to time, recommend to the presiding officers any changes in~~
2 ~~or amendments to the rules of legislative ethics;~~

3 ~~(3) on request of a member of the General Assembly, issue an advisory~~
4 ~~opinion regarding the legislative ethics of an action taken or contemplated to be taken by~~
5 ~~the member;~~

6 ~~(4) on its own motion, issue advisory opinions as it deems necessary;~~

7 ~~(5) at the request of the President or the Speaker, make recommendations~~
8 ~~concerning matters referred to the Committee;~~

9 ~~(6) as it deems necessary, issue guidelines and establish procedures for the~~
10 ~~implementation of the rules of legislative ethics; and~~

11 ~~(7) maintain public records as the rules require.~~

12 ~~[(b) (1) The Committee shall maintain the statements filed by members of the~~
13 ~~General Assembly under Title 15, Subtitle 5 of this article and, during normal office hours,~~
14 ~~make the statements available to the public for examination and copying.~~

15 ~~(2) The Committee shall maintain a record of:~~

16 ~~(i) the name and home address of each individual who examines or~~
17 ~~copies a statement filed with the Committee by a member of the General Assembly; and~~

18 ~~(ii) the name of the member whose statement was examined or~~
19 ~~copied.~~

20 ~~(3) On the request of the member whose statement was examined or~~
21 ~~copied, the Committee shall forward to the member a copy of the record maintained by the~~
22 ~~Committee under paragraph (2)(i) of this subsection.]~~

23 ~~2-709.~~

24 ~~(a) The Executive Director of the Department of Legislative Services, subject to~~
25 ~~the approval of the President and Speaker, shall appoint an attorney to serve as Counsel~~
26 ~~to the Committee.~~

27 ~~(b) The Counsel:~~

28 ~~(1) shall devote full time to the duties of the Committee, but may not~~
29 ~~participate in any investigatory or prosecutorial function;~~

30 ~~(2) may provide information to any person regarding laws, rules, and other~~
31 ~~standards of ethical conduct applicable to members of the General Assembly;~~

~~[(3) shall carry out any duties prescribed under Title 15, Subtitle 5 of this article;]~~

~~[(4)] (3) shall meet individually with each member of the General Assembly each year to:~~

~~(i) advise the member regarding the requirements of any applicable ethics law, rule, or standard of conduct; and~~

~~(ii) assist the member in preparing statements and reports required to be filed with the [Committee] STATE ETHICS COMMISSION under Title 15, Subtitle 5, Part II of this article; and~~

~~[(5)] (4) shall conduct seminars, workshops, and briefings for the benefit of members of the General Assembly, as directed by the Committee, the President, or the Speaker.~~

~~(e) The assistance of the Counsel to members of the General Assembly:~~

~~(1) is subject to the attorney client privilege, as set forth in § 9-108 of the Courts Article;~~

~~(2) is subject to confidentiality [under § 5-517 of the General Provisions Article]; and~~

~~(3) is intended as a service to the members and may not be deemed to diminish a member's personal responsibility for adherence to applicable laws, rules, and standards of ethical conduct.~~

~~(d) The Committee shall have other staff assistance as requested by the Committee and as provided in the budget of the General Assembly.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 5-101(w) through (aa), (cc) through (ee), (gg) through (kk), and (mm), respectively, of Article General Provisions of the Annotated Code of Maryland be renumbered to be Section(s) 5-101(v) through (z), (bb) through (dd), (ff) through (jj), and (ll), respectively.~~

~~5-512.~~

(a) (1) In this section, "close economic association" means the association between a legislator and:

(i) the legislator's:

1. employer;

1 2. employee; or

2 3. partner in a business or professional enterprise;

3 (ii) a partnership, limited liability partnership, or limited liability
4 company in which the legislator has invested capital or owns an interest;

5 (iii) a corporation in which the legislator owns the lesser of:

6 1. 10% or more of the outstanding capital stock; or

7 2. capital stock with a cumulative value of [\$25,000]
8 \$35,000 or more; [and]

9 (iv) a corporation in which the legislator is an officer, a director, or
10 an agent; AND

11 (V) AN ENTITY WITH WHICH THE LEGISLATOR IS NEGOTIATING
12 EMPLOYMENT OR HAS ARRANGED PROSPECTIVE EMPLOYMENT.

13 (2) “Close economic association” does not include a legislator’s ownership
14 of stock directly through a mutual fund, AN EXCHANGE-TRADED FUND, a retirement
15 plan, or any other similar commingled investment vehicle the individual investments of
16 which the legislator does not control or manage.

17 (b) (1) An interest of a member of the General Assembly conflicts with the
18 public interest if the legislator’s interest tends to impair the legislator’s independence of
19 judgment.

20 (2) The conflict disqualifies the legislator from participating in any
21 legislative action, or otherwise attempting to influence any legislation, to which the conflict
22 relates.

23 (c) It is presumed that an interest disqualifies a legislator from participating in
24 legislative action whenever the legislator:

25 (1) has or acquires a direct interest in an enterprise that would be affected
26 by the legislator’s vote on proposed legislation, unless the interest is common to all
27 members of:

28 (i) a profession or occupation of which the legislator is a member; or

29 (ii) the general public or a large class of the general public;

30 (2) benefits financially from a close economic association with a person
31 whom the legislator knows has a direct interest in an enterprise or interest that would be

1 affected by the legislator's participation in legislative action, differently from other like
2 enterprises or interests;

3 (3) benefits financially from a close economic association with a person who
4 is lobbying for the purpose of influencing legislative action; or

5 (4) solicits, accepts, or agrees to accept a loan, other than a loan from a
6 commercial lender in the normal course of business, from a person who would be affected
7 by or has an interest in an enterprise that would be affected by the legislator's participation
8 in legislative action.

9 5-513.

10 (a) (1) Except as provided in paragraph (2) of this subsection, the
11 disqualification arising under § 5-512 of this subtitle is suspended if a legislator with an
12 apparent or presumed conflict files with the Joint Ethics Committee a sworn statement
13 that:

14 (i) describes the circumstances of the apparent or presumed conflict
15 and the legislation or class of legislation to which it relates; and

16 (ii) asserts that the legislator is able to participate in legislative
17 action relating to the legislation fairly, objectively, and in the public interest.

18 (2) (i) Except as provided in subparagraph (ii) of this paragraph, the
19 disqualification arising under § 5-512 of this subtitle may not be suspended if the conflict
20 is direct and personal to:

21 1. the legislator;

22 2. a member of the legislator's immediate family; or

23 3. the legislator's employer.

24 (ii) This paragraph does not apply to a vote on:

25 1. the annual operating budget bill, in its entirety; or

26 2. the annual capital budget bill, in its entirety.

27 (b) (1) Whenever a legislator files a statement described in subsection (a)(1) of
28 this section, the Joint Ethics Committee on its own motion may issue a statement
29 concerning the propriety of the legislator's participation in the particular legislative action,
30 with reference to the applicable ethical standards.

1 (2) The suspension of the disqualification by the filing of the statement is
2 subject to further action by the Joint Ethics Committee if the question of conflict comes
3 before the Committee as to the same circumstances and the same legislator.

4 (c) A member who is disqualified from participating in legislative action under
5 subsection (a)(2)(i) of this section, or who chooses to be excused from participating in
6 legislative action on a bill or class of bills because of the appearance or presumption of a
7 conflict, shall file in a timely manner a statement with the Joint Ethics Committee that
8 describes the circumstances of the apparent or presumed conflict.

9 (d) All statements filed under this section shall be:

10 (1) filed electronically on a form required by the Joint Ethics Committee;
11 and
12 (2) maintained as a matter of public record as required in subsection (e) of
13 this section.

14 (e) (1) The Department of Legislative Services shall:

15 (i) compile the statements filed under this section;
16 (ii) make the statements available for public inspection as provided
17 in the Public Information Act; and
18 (iii) as to statements filed on or after January 1, 2013, make the
19 statements freely available to the public on the Internet through an online registration
20 program.

21 (2) As to each statement, the Internet posting shall indicate:

22 (i) whether the Joint Ethics Committee has made a determination
23 under subsection (b) of this section;
24 (ii) the determination made, if any; and
25 (iii) the date, if any, on which the determination was made.

26 5-514.

27 (b) (1) A legislator shall report the following information in writing to the
28 Joint Ethics Committee at the times and in the manner required by the Joint Ethics
29 Committee:

30 (i) subject to paragraph (2) of this subsection, if representing a
31 person for compensation before a State or local government agency, except in a judicial

1 proceeding or in a quasi-judicial proceeding, the name of the person represented, the
 2 services performed, and the consideration;

3 (ii) if representing a State or local government agency for
 4 compensation, the name of the agency, the services performed, and the consideration;

5 (iii) the name of any business enterprise subject to regulation by a
 6 State agency in which the legislator and a member of the legislator's immediate family
 7 (spouse and children living with the legislator), together or separately, have:

8 1. the lesser of:

9 A. 10% or more of the capital stock of any corporation; or

10 B. capital stock of any corporation with a cumulative value of
 11 [\$25,000] **\$35,000** or more; and

12 2. any interest in a partnership, limited liability partnership,
 13 or limited liability company;

14 (iv) details of any contractual relationship with a governmental
 15 entity of the State or a local government in the State, including the subject matter and the
 16 consideration;

17 (v) details of any transaction with a governmental entity of the State
 18 or a local government in the State involving a monetary consideration; [and]

19 (vi) [any primary employment or business interest and the employer
 20 of the legislator or the spouse of the legislator,] except for employment as a legislator, **THE**
 21 **NAME OF ANY:**

22 1. **PRIMARY EMPLOYER OF THE LEGISLATOR;**

23 2. **PRIMARY EMPLOYER OF THE LEGISLATOR'S SPOUSE;**

24 **AND**

25 3. **BUSINESS FROM WHICH THE LEGISLATOR OR THE**
 26 **LEGISLATOR'S SPOUSE RECEIVES EARNED INCOME AS A RESULT OF AN OWNERSHIP**
 27 **INTEREST IN THE BUSINESS;**

28 (VII) **EXCEPT IN A JUDICIAL OR QUASI-JUDICIAL PROCEEDING,**
 29 **THE NAME OF ANY CLIENT OF THE LEGISLATOR OR A BUSINESS ENTITY IN WHICH**
 30 **THE LEGISLATOR HAS OWNERSHIP INTEREST IF THE LEGISLATOR:**

1 1. IS ASSISTING THE CLIENT OR BUSINESS ENTITY IN
 2 SEEKING A STATE OR LOCAL GOVERNMENT CONTRACT, LICENSE, OR OTHER
 3 COMPETITIVE AWARD; AND

4 2. WILL RECEIVE OR EXPECTS TO RECEIVE A DIRECT
 5 FINANCIAL BENEFIT AS A RESULT OF THE AWARD OF THE CONTRACT, LICENSE, OR
 6 OTHER COMPETITIVE AWARD TO THE CLIENT OR BUSINESS ENTITY; AND

7 (VIII) IF THE LEGISLATOR'S SPOUSE IS AN INDIVIDUAL
 8 REGULATED LOBBYIST, THE NAME OF EACH ENTITY THAT HAS ENGAGED THE
 9 LOBBYIST FOR LOBBYING PURPOSES.

10 5-602.

11 (d) (1) The Ethics Commission shall develop and implement procedures]:

12 (i) for the electronic filing of a statement under this subtitle]; and

13 (ii) for the Ethics Commission to grant an exemption to the
 14 requirement under subsection (a)(1) of this section].

15 (2) (i) To comply with the requirement of paragraph (1) of this
 16 subsection, the Ethics Commission may adopt regulations to modify the format for
 17 disclosure of information required under § 5-607 of this subtitle.

18 (ii) The regulations adopted under this paragraph shall be
 19 consistent with the intent of this title.

20 (F) ON OR BEFORE JANUARY 15 OF EACH YEAR, A GOVERNMENTAL UNIT
 21 SHALL PROVIDE AN INDIVIDUAL WHO IS EMPLOYED BY THE GOVERNMENTAL UNIT
 22 AND WHO IS REQUIRED TO FILE A STATEMENT UNDER THIS SUBTITLE A LIST OF
 23 ENTITIES THAT DID BUSINESS WITH THE GOVERNMENTAL UNIT DURING THE
 24 PRECEDING CALENDAR YEAR.

25 5-606.

26 (a) (1) (I) [The] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
 27 SUBSECTION, THE Ethics Commission and the Joint Ethics Committee shall maintain the
 28 statements submitted under this subtitle and, during normal office hours, make the
 29 statements available to the public for examination and copying.

30 [(2)] (II) The Ethics Commission and the Joint Ethics Committee may
 31 charge a reasonable fee and adopt administrative procedures for the examination and
 32 copying of a statement.

1 (ii) if the individual was involved in the transaction giving rise to the
2 debt, by any member of the immediate family of the individual.

3 (2) For each debt, the schedule shall include:

4 (i) the identity of the entity to which the debt was owed;

5 (ii) the date it was incurred;

6 (iii) the amount owed at the end of the applicable period;

7 (iv) the terms of payment;

8 (v) the extent to which the principal was increased or decreased
9 during the applicable period; and

10 (vi) any security given.

11 (i) (1) Except as provided in paragraph (2) of this subsection, the statement
12 shall include a schedule listing the name and address of each:

13 (i) place of salaried employment, including secondary employment,
14 of the individual or a member of the individual's immediate family at any time during the
15 applicable period; [and]

16 (ii) business entity of which the individual or a member of the
17 individual's immediate family was a sole or partial owner, and from which the individual
18 or family member received earned income, at any time during the applicable period; AND

19 **(III) IF THE INDIVIDUAL'S SPOUSE IS A REGULATED LOBBYIST,**
20 **ENTITY THAT HAS ENGAGED THE SPOUSE FOR LOBBYING PURPOSES.**

21 (2) The statement may not include a listing of a minor child's employment
22 or business entities of which the child is sole or partial owner, unless the place of
23 employment or the business entity:

24 (i) is subject to the regulation or authority of the agency that
25 employs the individual; or

26 (ii) has contracts in excess of \$10,000 with the agency that employs
27 the individual.

28 5-704.

29 (f) (1) Except as provided in paragraph (2) of this subsection, each registration
30 shall terminate on the earlier of:

1 (i) the October 31 following the filing of the registration; or

2 (ii) an earlier termination date specified in the certification filed
3 with respect to that registration under § 5-703 of this subtitle.

4 (2) A regulated lobbyist may terminate the registration before the date
5 specified in paragraph (1) of this subsection by:

6 (i) ceasing all activity that requires registration; and

7 (ii) after ceasing activity in accordance with item (i) of this
8 paragraph:

9 1. filing a notice of termination with the Ethics Commission;
10 and

11 2. filing all reports required by this subtitle within 30 days
12 after the filing of the notice of termination.

13 (3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, if a
14 regulated lobbyist is or becomes subject to regulation under this title as an official or
15 employee, the regulated lobbyist shall immediately terminate the registration in
16 accordance with paragraph (2) of this subsection.

17 (ii) [After holding a public hearing, the] THE Ethics Commission
18 shall adopt regulations establishing criteria under which a regulated lobbyist may serve on
19 a State board or commission.

20 (iii) The regulations adopted under subparagraph (ii) of this
21 paragraph shall:

22 1. establish a classification of State boards or commissions
23 on which regulated lobbyists may serve;

24 2. at a minimum authorize a regulated lobbyist to serve as
25 an appointed member of an advisory governmental body of limited duration; [and]

26 3. as to a regulated lobbyist who serves on a State board or
27 commission, establish disclosure requirements that are substantially similar to disclosure
28 requirements [for members of the General Assembly] UNDER § 5-514 OF THIS TITLE;
29 AND

30 4. REQUIRE A REGULATED LOBBYIST WHO SERVES ON A
31 BOARD OR COMMISSION AND IS DISQUALIFIED FROM PARTICIPATING IN A SPECIFIC
32 MATTER BECAUSE OF A CONFLICT OF INTEREST TO FILE A STATEMENT OF RECUSAL

1 DESCRIBING THE CIRCUMSTANCES OF THE CONFLICT TO BE INCLUDED IN THE
2 MINUTES OF THE MEETING.

3 Article – State Government

4 2-710.

5 (A) IN THIS SECTION, “BOARD” MEANS THE CITIZENS’ ADVISORY BOARD
6 FOR LEGISLATIVE ETHICS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

7 (B) (1) THERE IS A CITIZENS’ ADVISORY BOARD FOR LEGISLATIVE
8 ETHICS.

9 (2) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

10 (I) A MEMBER OF THE PUBLIC WHO SHALL SERVE AS THE
11 CHAIR, APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE SPEAKER
12 OF THE HOUSE;

13 (II) TWO MEMBERS OF THE PUBLIC, APPOINTED BY THE
14 PRESIDENT OF THE SENATE; AND

15 (III) TWO MEMBERS OF THE PUBLIC, APPOINTED BY THE
16 SPEAKER OF THE HOUSE.

17 (3) (I) A MEMBER OF THE BOARD:

18 1. SHALL BE A RESIDENT OF THE STATE;

19 2. MAY NOT BE A STATE OR LOCAL ELECTED OFFICIAL;

20 AND

21 3. MAY NOT BE A REGULATED LOBBYIST.

22 (II) NO MORE THAN TWO MEMBERS OF THE BOARD AT ANY ONE
23 TIME MAY BE FORMER MEMBERS OF THE GENERAL ASSEMBLY.

24 (III) THE MEMBERS OF THE BOARD SHALL BE CHOSEN SO THAT
25 EACH POLITICAL PARTY IS REPRESENTED IN APPROXIMATELY THE SAME
26 PROPORTION AS THE PARTY IS REPRESENTED IN THE GENERAL ASSEMBLY.

27 (IV) IN APPOINTING MEMBERS OF THE BOARD, THE PRESIDING
28 OFFICERS SHALL SEEK INDIVIDUALS WITH A KNOWLEDGE OF OR BACKGROUND IN
29 PUBLIC ETHICS.

1 **(C) THE BOARD SHALL REGULARLY OFFER RECOMMENDATIONS TO THE**
2 **COMMITTEE AND THE PRESIDING OFFICERS REGARDING CHANGES TO THE PUBLIC**
3 **ETHICS LAW, THE POLICIES AND PROCEDURES OF THE COMMITTEE, AND PUBLIC**
4 **ADVISORY OPINIONS OF THE COMMITTEE.**

5 SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.