

Chapter 20

(Senate Bill 91)

AN ACT concerning

State Ethics Commission – Local Governments and School Boards – Compliance Enforcement

FOR the purpose of requiring the State Ethics Commission to adopt certain model provisions for school boards; providing that a certain model provision may be adopted by or imposed on a school board under certain circumstances; authorizing the State Ethics Commission, after making a certain determination, to issue a certain order directing a county or municipal corporation or school board to comply with certain provisions of the Public Ethics Law; authorizing the State Ethics Commission to petition a certain circuit court to compel a school board to comply with certain provisions of the Public Ethics Law; and generally relating to the State Ethics Commission and local governments and school boards.

~~BY repealing and reenacting, with amendments,
Article – State Government
Section 15–205(b) and 15–808
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)~~

~~BY adding to
Article – State Government
Section 15–816
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–205(b) and 5–812
Annotated Code of Maryland
(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of
2014)

BY adding to
Article – General Provisions
Section 5–820
Annotated Code of Maryland
(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of
2014)

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

~~Article – State Government~~

~~15-205.~~

~~(b) (1) The Ethics Commission shall adopt by regulation model provisions for local governments AND SCHOOL BOARDS that relate to:~~

- ~~(i) conflicts of interest;~~
- ~~(ii) financial disclosure; and~~
- ~~(iii) regulation of lobbying.~~

~~(2) Model provisions adopted under paragraph (1) of this subsection may be:~~

- ~~(i) adopted by any local jurisdiction OR SCHOOL BOARD; or~~
- ~~(ii) in accordance with Subtitle 8 of this title, imposed on a local jurisdiction OR SCHOOL BOARD.~~

~~15-808.~~

~~(a) If the Ethics Commission determines that a county or municipal corporation has not complied with AND HAS NOT MADE GOOD FAITH EFFORTS TOWARD COMPLIANCE WITH the requirements of this Part I, the Ethics Commission:~~

~~(1) MAY ISSUE AN ORDER DIRECTING THE COUNTY OR MUNICIPAL CORPORATION TO COMPLY WITH THIS PART I, INCLUDING A LISTING OF SPECIFIC AREAS OF NONCOMPLIANCE; AND~~

~~(2) may petition a circuit court with venue over the proceeding for appropriate relief to compel compliance.~~

~~(b) The circuit court may grant any available equitable relief.~~

Article – General Provisions

5-205.

(b) (1) The Ethics Commission shall adopt by regulation model provisions for local governments AND SCHOOL BOARDS on:

- (i) conflicts of interest;
- (ii) financial disclosure; and
- (iii) regulation of lobbying.

(2) Model provisions adopted under paragraph (1) of this subsection may be:

- (i) adopted by any local jurisdiction OR SCHOOL BOARD; or
- (ii) imposed on a local jurisdiction OR SCHOOL BOARD in accordance with Subtitle 8 of this title.

5-812.

(a) If the Ethics Commission determines that a county or municipal corporation has not complied with AND HAS NOT MADE GOOD-FAITH EFFORTS TOWARD COMPLIANCE WITH the requirements of this part, the Ethics Commission:

(1) MAY ISSUE A PUBLIC NOTICE CONCERNING THE FAILURE OF COMPLIANCE WITH THIS PART, INCLUDING A LISTING OF SPECIFIC AREAS OF NONCOMPLIANCE; AND

(2) may petition a circuit court with venue over the proceeding for appropriate relief to compel compliance.

(b) The circuit court may grant any available equitable relief.

~~15-816~~ 5-820.

(A) IF THE ETHICS COMMISSION DETERMINES THAT A SCHOOL BOARD, AS REQUIRED UNDER § ~~15-812(A)(2)~~ 5-816(A)(2) OF THIS SUBTITLE, HAS NOT COMPLIED WITH AND HAS NOT MADE GOOD-FAITH EFFORTS TOWARD COMPLIANCE WITH THE REQUIREMENTS OF THIS PART II, THE ETHICS COMMISSION:

~~(1) MAY ISSUE AN ORDER DIRECTING THE SCHOOL BOARD TO COMPLY WITH THIS PART II, INCLUDING A LISTING OF SPECIFIC AREAS OF NONCOMPLIANCE;~~

(1) MAY ISSUE A PUBLIC NOTICE CONCERNING THE FAILURE OF COMPLIANCE WITH THIS PART, INCLUDING A LISTING OF SPECIFIC AREAS OF NONCOMPLIANCE;

(2) MAY ISSUE AN ORDER PROVIDING THAT OFFICIALS AND EMPLOYEES OF THE SCHOOL BOARD ARE SUBJECT TO THE LOCAL ETHICS LAWS IN THE COUNTY IN WHICH THE SCHOOL BOARD IS LOCATED; AND

(3) MAY PETITION A CIRCUIT COURT WITH VENUE OVER THE PROCEEDING FOR APPROPRIATE RELIEF TO COMPEL COMPLIANCE.

(B) THE CIRCUIT COURT MAY GRANT ANY AVAILABLE EQUITABLE RELIEF.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ October 1, 2014.

Approved by the Governor, April 8, 2014.