

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2018, Legislative Day No. 5

Bill No. 12-18

All Councilmembers
By Request of County Executive

By the County Council, March 5, 2018

A BILL
ENTITLED

AN ACT concerning

Ethics Law Amendments

FOR the purpose of conforming the Ethics Law with the requirements of Chapter 31 of the Laws of Maryland of 2017; altering the definition of "interest" to exclude mutual funds and exchange-traded funds; adding a participation prohibition for certain former regulated lobbyists; prohibiting a former County Executive from assisting in a certain matter under certain circumstances; altering a reporting requirement for certain debts; adding a requirement to report when a public official's spouse is a regulated lobbyist under certain circumstances; limiting access to home addresses listed in a financial disclosure statement; altering law regarding outside counsel for the Ethics Commission; adding provisions for posting certain financial disclosure statements online; clarifying the definition of "lobbyist"; conforming the Ethics Law with the requirements of Chapter 519 of the Laws of Maryland of 2017; exempting the Chairman, Board members, alternate Board members, and employees of the Board of Liquor License Commissioners from the provisions of the county ethics law; exempting the liquor board members from the requirement to file a county financial disclosure statement; exempting the liquor board members from the county training requirement; making technical changes; providing for the effective date and retroactivity of portions of this Act; and generally amending the Ethics Law.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

By repealing and reenacting, ~~without~~ with amendments

Section 3-3-1005
Article 3. Administration
Baltimore County Code, 2015

By repealing and reenacting, without amendments

Section 7-1-101(a), (g) and (n)
Article 7. Public Ethics and Open Government
Baltimore County Code, 2015

By repealing and reenacting, with amendments

Sections 7-1-101(m) and (o), 7-1-202(a), 7-1-203(a)(1), 7-1-304(b)(3), 7-1-401(a), 7-1-403(g) and (j), 7-1-407(a), 7-1-501(d)(2), and 7-1-508(b)
Article 7. Public Ethics and Open Government
Baltimore County Code, 2015

By adding

Sections 7-1-301(a-1) and 7-1-403(i)(4),
Article 7. Public Ethics and Open Government
Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE

2 COUNTY, MARYLAND, that the Laws of Baltimore County shall read as follows:

3

4

Article 7. Public Ethics and Open Government

5

6 § 7-1-101.

7

8 (a) In this title the following words have the meanings indicated.

9 (g) "Elected official" means the County Executive or a member of County Council.

1 (m) (1) "Interest" means a legal or equitable interest, whether or not subject to an encumbrance
2 or a condition, which is owned or held by a person subject to this title in any way, in whole or in
3 part, jointly or severally, directly or indirectly.

4 (2) "Interest" does not include:

5 (i) An interest held by a person acting in the capacity of a personal representative,
6 agent, custodian, fiduciary, or trustee, unless the person has an equitable interest in the subject
7 matter;

8 (ii) An interest in a time or demand deposit in a financial institution;

9 (iii) An interest in an insurance or endowment policy or annuity contract under which
10 an insurer promises to pay a fixed number of dollars either in a lump sum or periodically for life
11 or some other specified period;

12 (iv) A common trust fund or a trust that forms part of a pension or profit-sharing
13 plan that has more than 25 participants and which has been determined by the Internal Revenue
14 Service to be a qualified trust under the Internal Revenue Code of 1954; [or]

15 (v) A college savings plan under the Internal Revenue Code[.]; OR

16 (VI) A MUTUAL FUND OR EXCHANGE-TRADED FUND THAT IS
17 PUBLICALLY TRADED ON A NATIONAL SCALE UNLESS THE MUTUAL FUND OR
18 EXCHANGE TRADED FUND IS COMPOSED PRIMARILY OF HOLDINGS OF STOCKS
19 AND INTERESTS IN A SPECIFIC SECTOR OR AREA THAT IS REGULATED BY THE
20 INDIVIDUAL'S GOVERNMENTAL UNIT.

21 (3) For purposes of Subtitle 4 of this title, "interest" includes any interest held during
22 the reporting period.

23 (n) "Person" includes an individual or a business entity.

1 § 7-1-202.

2 (a) The Commission may:

3 (1) Administer oaths and affirmations;

4 (2) Issue subpoenas:

5 (i) To compel the attendance and testimony of witnesses; and

6 (ii) For the production of books, papers, records, documents, and other

7 tangible OBJECTS; and

8 (3) In accordance with the process set forth in [§ 7-1-105](#) of this title, and if necessary to
9 protect the public interest and the integrity of the governmental process, suspend or revoke the
10 registration of an individual lobbyist if the Commission determines that the lobbyist:

11 (i) Has knowingly and willfully violated any provision of this article; or

12 (ii) Has been convicted of a criminal offense arising from lobbying activities.

13

14 § 7-1-301.

15 (A-1) (1) THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO IS A
16 PUBLIC OFFICIAL ONLY AS A MEMBER OF A COUNTY BOARD OR COMMISSION
17 OTHER THAN THE BOARD OF APPEALS.

18 (2) A FORMER REGULATED LOBBYIST WHO IS OR BECOMES SUBJECT TO
19 THIS SUBTITLE AS A PUBLIC OFFICIAL MAY NOT PARTICIPATE IN A CASE,
20 CONTRACT, OR OTHER SPECIFIC MATTER AS A PUBLIC OFFICIAL FOR ONE (1)
21 CALENDAR YEAR AFTER THE TERMINATION OF THE REGISTRATION OF THE
22 FORMER REGULATED LOBBYIST IF THE FORMER REGULATED LOBBYIST

1 PREVIOUSLY ASSISTED OR REPRESENTED ANOTHER PARTY FOR COMPENSATION
2 IN THE MATTER.

3

4 § 7-1-304.

5 (b)(3) (i) Except as provided in subparagraph (ii) of this paragraph, until the conclusion
6 of one year after the member leaves office, a former [member of the County Council] ELECTED
7 OFFICIAL may not assist or represent another party for compensation in a matter that is the
8 subject of legislative action by the County Council.

9 (ii) The limitation under subparagraph (i) of this paragraph on representation by a former
10 [member of the County Council] ELECTED OFFICIAL does not apply to the former [member's]
11 ELECTED OFFICIAL'S representation of a municipal corporation, county, or state
12 governmental entity.

13

14 § 7-1-403.

15 (g)(1) The statement shall include a schedule, to the extent the individual may
16 reasonably be expected to know, of each debt, excluding retail credit accounts, owed at any time
17 during the applicable period to entities doing business with [the county] OR REGULATED BY
18 THE INDIVIDUAL'S GOVERNMENTAL UNIT:

19 (i) By the individual; and

20 (ii) If the individual was involved in the transaction giving rise to the debt, by any
21 member of the immediate family of the individual.

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

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

- 1 (ii) The date it was incurred;
- 2 (iii) The amount owed at the end of the applicable period;
- 3 (iv) The terms of payment;
- 4 (v) The extent to which the principal was increased or decreased during the applicable
- 5 period; and
- 6 (vi) Any security given.

7 (i)(4)) FOR A STATEMENT FILED ON OR AFTER JANUARY 1, 2019, THE
8 STATEMENT SHALL INDICATE WHETHER THE FILER'S SPOUSE IS A REGULATED
9 LOBBYIST ~~OR~~ AND THE ENTITY THAT HAS ENGAGED THE FILER FOR LOBBYING
10 PURPOSES.

11 (j)(1) This subsection applies to elected officials only.

12 (2) (I) [Financial] EXCEPT AS PROVIDED IN SUBPARAGRAPHS (II) AND (III)
13 OF THIS PARAGRAPH, FINANCIAL disclosure STATEMENTS shall be posted on the
14 Commission's internet web page not earlier than May 1 of each year and [it] THEY shall remain
15 posted not later than May 1 of the following year.

16 (II) THE FINANCIAL DISCLOSURE STATEMENT OF A NEWLY ELECTED
17 ELECTED OFFICIAL SHALL BE POSTED NOT MORE THAN 30 DAYS AFTER THE
18 ELECTED OFFICIAL QUALIFIES FOR OFFICE IN ACCORDANCE WITH §§ 203 AND
19 403(A) OF THE CHARTER AS APPLICABLE.

20 (III) THE FINANCIAL DISCLOSURE STATEMENT OF AN ELECTED
21 OFFICIAL APPOINTED UNDER § 205 OR § 402(B) OF THE CHARTER SHALL BE
22 POSTED NOT MORE THAN 60 DAYS AFTER THE APPOINTMENT.

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§ 7-1-407.

(a)(1)(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, [The] THE Commission shall allow an individual to examine and copy a financial disclosure statement filed by a public official under this title.

(II) THE COMMISSION MAY NOT PROVIDE PUBLIC ACCESS TO A PORTION OF A STATEMENT THAT IS FILED AFTER JANUARY 1, 2019, AND THAT INCLUDES THE FILER’S HOME ADDRESS THAT THE FILER HAS IDENTIFIED AS THE FILER’S HOME ADDRESS.

§ 7-1-501.

(d)(2) "Lobbyist" does not include [an individual] A PERSON who strictly:

(i) Provides professional services in drafting bills or in advising and rendering opinions to clients regarding the construction and effect of proposed or pending County Council actions;

(ii) Appears before the County Council at the specific invitation or request of the Council, provided the [individual] PERSON does not engage in any other activity in connection with the passage or defeat of County Council actions;

(iii) Appears at public hearings of the County Council or a county agency, board, or commission, if the [individual] PERSON does not:

1. Engage in other lobbying activities in connection with the passage or defeat of County Council actions or the approval or disapproval of actions of the county agency, board, or commission; and

1 2. Expend money on food, entertainment, or other gifts for a public
2 official in connection with the appearance;

3 (iv) Makes appearances as part of the official duties of a duly elected or
4 appointed official or employee of the state or a political subdivision of the state, or of the United
5 States, provided the appearance is not on behalf of another entity;

6 (v) Is a publisher or member of the press, radio, or television working in the
7 ordinary course of the business of disseminating news or making editorial comment to the
8 general public, provided the [individual] PERSON does not engage in other lobbying that would
9 directly and specifically benefit the economic, business, or professional interests of the
10 [individual] PERSON or the [individual's] PERSON'S employer;

11 (vi) Appears before the County Council at the specific invitation or request of
12 a registered lobbyist, provided no other lobbying act is undertaken, and provided the witness
13 identifies to the Council that the [individual] PERSON is testifying at the request of the lobbyist;

14 (vii) Makes appearances as part of the official duties of an officer, director,
15 member, or employee of an association engaged exclusively in lobbying for counties and
16 municipalities and not on behalf of another entity; or

17 (viii) Represents a bona fide religious organization solely for the purpose of
18 protecting the right of its own members to practice the doctrine of the organization.

19
20 § 7-1-508.

21 (b) A person who is exempt under this section [shall]:

22 (1) [Engage] SHALL ENGAGE in due diligence to ensure that the person's expenses are
23 reported as authorized under subsection (a) of this section; and

1 (2) Is subject to the provisions of this subtitle within a reasonable time after learning of
2 the failure of the registered lobbyist to report information required by this subtitle.

3
4 SECTION 2. AND BE IT FURTHER ENACTED, that the Laws of Baltimore County
5 shall read as follows:

6
7 Article 3. Administration.

8
9 § 3-3-1005.

10 [(a)(1) Each year, the County Executive shall submit to the County Council for its approval in
11 advance, a list of law firms or lawyers that may be used by] AT THE REQUEST OF THE
12 ETHICS COMMISSION, THE COUNTY SHALL PROVIDE SUFFICIENT FUNDS TO the
13 Ethics Commission should the need arise for:

14 [(i)] (1) Legal assistance which cannot be provided by the Office of Law; or

15 [(ii)] (2) Investigative assistance which cannot be provided by the Executive
16 Director.

17 [(2) The list shall include the hourly fees of the lawyers or law firms listed.

18 (b) (1) If the Commission has used outside legal or investigative assistance as authorized under
19 subsection (a) of this section, the law firm or lawyers used shall submit to the Executive Director
20 a bill of attorney fees and legal expenses and an explanation of the bill.

21 (2) The Executive Director shall:

22 (i) Review the bill for reasonableness; and

1 (ii) Submit to the County Executive a recommendation that the county pay all,
2 part, or none of the bill and include an explanation of the Executive Director's recommendation.

3 (3) The County Executive:

4 (i) Shall review the recommendation of the Executive Director; and

5 (ii) May submit a request to the County Council for a budgetary appropriation
6 transfer for contingency funds to authorize the payment of all or part of the bill.

7 (4) (i) The County Council may approve, reduce, or disallow the request as submitted by
8 the County Executive.

9 (ii) An approved payment shall be paid in accordance with the appropriation
10 enacted by the County Council.

11 (5) Nothing contained in this subsection may be construed to prevent the Executive
12 Director, County Executive, or the County Council from reducing or disallowing the bill for
13 attorney fees and other legal expenses.]

14
15 Article 7. Public Ethics and Open Government

16
17 SECTION 3. AND BE IT FURTHER ENACTED, that the Laws of Baltimore County
18 shall read as follows:

19
20 Article 7. Public Ethics and Open Government

21
22 § 7-1-101.

23 (o)(1) "Public official" means:

1 (i) An employee of the county, including an elected official or an appointed official;

2 (ii) An individual elected or appointed to serve on any county board, agency,

3 commission, or similar entity; and

4 (iii) After October 1, 2012, the Executive Director and members of the Revenue

5 Authority.

6 (2) "Public official" includes an individual listed under paragraph (1) of this subsection

7 whether or not the individual is compensated or whether or not the individual is compensated

8 with county funds.

9 (3) "Public official" does not include an employee of:

10 (i) The Offices of the Sheriff, State's Attorney, Register of Wills or Clerk of the

11 Court;

12 (ii) The Health Department; [or]

13 (iii) The Department of Social Services[.]; OR

14 (IV) THE CHAIRMAN, A MEMBER, ALTERNATE MEMBER, OR EMPLOYEE

15 OF THE BOARD OF LIQUOR LICENSE COMMISSIONERS.

16

17 § 7-1-203.

18 (a) (1) The Commission shall provide a training course of at least 2 hours on the

19 requirements of the county public ethics law for the following elected officials and public

20 officials:

21 (i) An individual who serves as an appointed department head as defined in

22 Section 5-1-201(e) of the Code;

1 (ii) An individual who serves as a deputy in any department or office as provided
2 for in Sections 503 and 504 of the Charter;

3 (iii) The chairman and members of the County Council and appointed legislative
4 staff to each member;

5 (iv) The Administrative Assistant to the County Council;

6 (v) The Deputy Secretary to the county council;

7 (vi) The Deputy County Auditor;

8 (vii) The Administrative Law Judges of the Office of Administrative Hearings;

9 (viii) The chairman and members of the Board of Appeals;

10 (ix) [The chairman and members of the Board of Liquor License Commissioners;

11 (x)] The chairman and members of the Revenue Authority;

12 [(xi)] (X) The chairman and members of the Planning Board;

13 [(xii)] (XI) The chairman and members of the Ethics Commission; and

14 [(xiii)] (XII) The People's Counsel and Deputy People's Counsel[;].

15

16 § 7-1-401.

17 (a) The following public officials shall file the financial disclosure statements required

18 under this subtitle:

19 (1) The County Executive;

20 (2) The County Administrative Officer and the Deputy County Administrative

21 Officers;

22 (3) The chairman and members of the County Council;

- 1 (4) The County Attorney, the Deputy County Attorney, and an Acting County Attorney
2 or Acting Deputy County Attorney;
- 3 (5) The secretary to the County Executive;
- 4 (6) The secretary to the County Council;
- 5 (7) The administrative assistant to the County Council;
- 6 (8) The Administrative Law Judges of the Office of Administrative Hearings;
- 7 (9) Department heads, deputy department heads, and acting department heads and
8 deputy department heads;
- 9 (10) Office heads, deputy office heads, and acting office heads and deputies;
- 10 (11) The chairman and members of the Board of Appeals;
- 11 (12) [The chairman and members of the Board of Liquor License Commissioners;
- 12 (13)] The County Auditor and the Deputy Auditor;
- 13 [[14]] (13) The chairman, members, and Executive Director of the Revenue Authority;
- 14 [[15]] (14) The chairman and members of the Planning Board;
- 15 [[16]] (15) The chairman and members of the Board of Recreation and Parks;
- 16 [[17]] (16) The chairman and members of the Electrical Administrative Board;
- 17 [[18]] (17) The chairman and members of the Plumbing Board;
- 18 [[19]] (18) The chairman and members of the Board of Health;
- 19 [[20]] (19) The chairman and members of the Board of Library Trustees;
- 20 [[21]] (20) The chairman and members of the Ethics Commission;
- 21 [[22]] (21) The paid and unpaid members of boards of all state agencies funded in
22 whole or in part by the county;
- 23 [[23]] (22) The People's Counsel and the Deputy People's Counsel;

1 [(24)] (23) The chairman and members of the Agricultural Land Preservation Advisory
2 Board;

3 [(25)] (24) The chairman and members of the Workforce Development Council;

4 [(26)] (25) The chairman and members of the Telecommunications Advisory Panel;

5 and

6 [(27)] (26) Subject to subsection (f)(2) of this section, the chairman and members of
7 the Board of Trustees of the Community College of Baltimore County.

8

9 SECTION 4. AND BE IT FURTHER ENACTED, that, subject to Section 6 of this Act,
10 Section 2 of this Act shall take effect on the date of enactment retroactive to January 1, 2017.

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12 SECTION 5. AND BE IT FURTHER ENACTED, that, subject to Section 6 of this Act,
13 Section 3 of this Act shall take effect on the date of enactment retroactive to October 1, 2017.

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15 SECTION 6. AND BE IT FURTHER ENACTED, that this Act, having passed by the
16 affirmative vote of five members of the County Council, shall take effect on the date of
17 enactment.