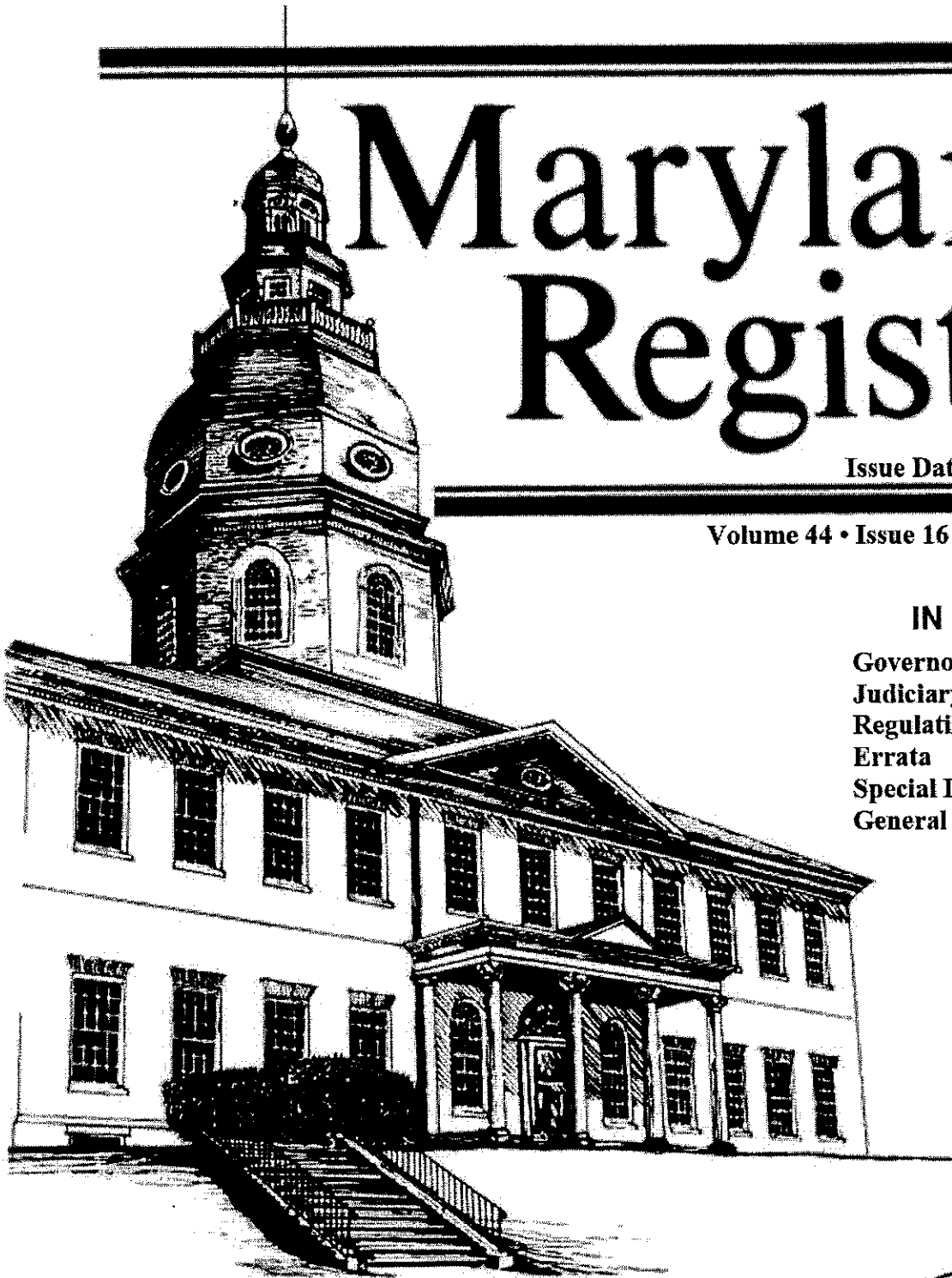

Maryland Register

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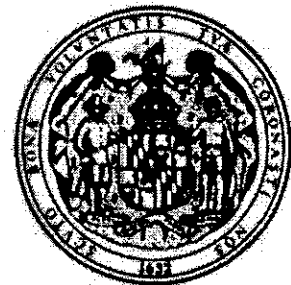
Governor
Judiciary
Regulations
Errata
Special Documents
General Notices



Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before July 17, 2017, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of July 17, 2017.

Gall S. Klakring
Administrator, Division of State Documents
Office of the Secretary of State



Title 17
DEPARTMENT OF BUDGET
AND MANAGEMENT

Subtitle 04 PERSONNEL SERVICES
AND BENEFITS

17.04.11 Leave

Authority: State Personnel and Pensions Article, §§4-106 and 9-101, Annotated Code of Maryland

Notice of Proposed Action
[17-201-P]

The Secretary of Budget and Management proposes to amend Regulations .03 under COMAR 17.04.11 Leave.

Statement of Purpose

The purpose of this action is to amend existing regulations to comport with Executive Order 01.01.2017.09 Sensible Paid Leave in the Executive Branch of State Government, which allows temporary employees who meet certain requirements to accrue up to 5 days of paid leave annually. The current regulations prohibit temporary employees from accruing leave. The repeal of these regulations is necessary to implement the Executive Order.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jennifer P. Hine, Personnel Director, Department of Budget and Management, 301 W. Preston Street, Baltimore, MD 21201, or call 410 767-4718, or email to jennifer.hine@maryland.gov, or fax to 410 333-7671. Comments will be accepted through September 5, 2017. A public hearing has not been scheduled.

.03 Leave — General Provisions.

[A. Leave time is earned by employees in accordance with State Personnel and Pensions Article, Title 9, Annotated Code of Maryland.

B. Leave time, other than compensatory time elected by an overtime-eligible employee, is not earned by temporary employees.]

[C.] A. A contractual employee who transfers to a budgeted position pursuant to State Personnel and Pensions Article, §13-302, Annotated Code of Maryland, shall be given credit for service in the contractual position. [However, a contractual employee may not accrue leave during the period worked as a contractual employee.]

[D.] B. (text unchanged)

DAVID R. BRINKLEY
Secretary of Budget and Management

Title 19A
STATE ETHICS
COMMISSION

Notice of Proposed Action
[17-205-P]

The Maryland State Ethics Commission proposes to:

- (1) Amend Regulation .02 under COMAR 19A.01.01 General Provisions;
- (2) Repeal Regulations .01—.04 under COMAR 19A.03.04 Electronic Filing;
- (3) Amend Appendix A and Appendix B under COMAR 19A.04 Local Government Ethics Law;
- (4) Amend Appendix A and Appendix B under COMAR 19A.05 Board of Education Ethics Regulations; and
- (5) Amend Regulation .06 under COMAR 19A.07.01 General.

This action was considered by the State Ethics Commission during a public meeting held on June 15, 2017 at the Commission's office.

Statement of Purpose

The purpose of this action is to update State Ethics Commission regulations to conform to the provisions of the General Provisions Article, Title 5.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael W. Lord, Executive Director, State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, Maryland 21401, or call 410-260-7770, or email to michael.lord@maryland.gov, or fax to 410-260-7746. Comments will be accepted through September 15, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Ethics Commission during a public meeting to be held on November 2, 2017, at the Commission's office.

Subtitle 01 PROCEDURES

19A.01.01 General Provisions

Authority: General Provisions Article, §5-206, Annotated Code of Maryland

.02 Definitions.

In this title, the following terms have the meanings indicated:

A. — L. (text unchanged)

M. "Interest" means any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly. For purposes of General Provision Article, Title 5, Subtitle 6, "interest" applies to interests held at any time during the calendar year for which a required statement is to be filed. "Interest" does not include:

- (1) — (4) (text unchanged)

(5) A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

N. "Legislative action" means introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto, or any other official action or nonaction on any bill, resolution, amendment, nomination, appointment, report, or any other matter pending or proposed in a committee or subcommittee in either house of the General Assembly, [or] any matter which is within the official jurisdiction of the General Assembly, the Legislative Policy Committee or any committee or subcommittee thereof, [or] any legislative bill pending or presented to the Governor for signature or veto, or testimony or other advocacy in an official capacity as a member of the General Assembly before a unit of State or local government.

O. — Z. (text unchanged)

Subtitle 04 LOCAL GOVERNMENT ETHICS LAW

Appendix A — Model Ethics Law A

Authority: General Provisions Article, §§5-205 and 5-206, and Title 5, Subtitle 8, Annotated Code of Maryland

CHAPTER — ETHICS PROVISIONS

Section 1. — Section 2. (text unchanged)

Section 3. Definitions.

In this chapter, the following terms have the meanings indicated.

(a) — (i) (text unchanged)

(j) (1) — (2) (text unchanged)

(3) "Interest" does not include:

(i) — (v) (text unchanged)

(vi) A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

(k) — (o) (text unchanged)

Section 4. (text unchanged)

Section 5. Prohibited conduct and interests.

(a) Participation prohibitions.

(1) — (3) (text unchanged)

(4) A former regulated lobbyist who is or becomes subject to this chapter as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

(b) (text unchanged)

(c) Post-employment limitations and restrictions.

(1) (text unchanged)

(2) [Until the conclusion of the next regular session that begins after the elected official leaves office, a] A former [member of the *County, City, or Town Council or legislative body*] elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year after the elected official leaves office.

(d) (text unchanged)

(e) Use of prestige of office.

(1) (i) An official or employee may not intentionally use the prestige of office or public position [for]:

(a) For the private gain of that official or employee or the private gain of another; or

(b) To influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.

(ii) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

(2) (text unchanged)

(3) (i) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.

(ii) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

(f) — (g) (text unchanged)

Section 6. Financial disclosure — elected officials, officials, and employees.

(a) — (c) (text unchanged)

(d) Candidates to be elected officials.

(1) — (3) (text unchanged)

(4) If a statement required by a candidate is overdue and not filed within 8 days [candidate fails to file a statement required by this section] after written notice of the failure to file is provided by the *County, City, or Town* Clerk or Board of Election Supervisors [at least 20 days before the last day for the withdrawal of candidacy], the candidate is deemed to have withdrawn the candidacy.

(5) — (6) (text unchanged)

(e) Public record.

(1) — (4) (text unchanged)

(5) For statements filed after January 1, 2019, the Commission or the office designated by the Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address.

(f) (text unchanged)

(g) Contents of statement.

(1) — (5) (text unchanged)

(6) Indebtedness to entities doing business with or regulated by the individual's *County, City, or Town* unit or department.

(i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the individual's *County, City, or Town* unit or department owed at any time during the reporting period:

(A) — (B) (text unchanged)

(ii) (text unchanged)

(7) (text unchanged)

(8) Sources of earned income.

(i) — (ii) (text unchanged)

(iii) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the *County, City, or Town*, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

(9) (text unchanged)

(h) — (i) (text unchanged)

Section 7. — Section 10. (text unchanged)

Appendix B — Model Ethics Law B

Authority: General Provisions Article, §§5-205 and 5-206, and Title 5, Subtitle 8, Annotated Code of Maryland

CHAPTER ____ — ETHICS PROVISIONS

Section 1. — Section 3. (text unchanged)

Section 4. Conflicts of interest.

- (a) — (b) (text unchanged)
- (c) Participation prohibitions.

(1) Except as permitted by Commission regulation or opinion, an official or employee may not participate in:

[(1)] (i) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest[.];

[(2)] (ii) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:

[(i)] (A) — [(ii)] (B) (text unchanged)

[(iii)] (C) A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment[.];

[(iv)] (D) — [(v)] (E) (text unchanged)

[(vi)] (F) A business entity that:

[(A)] 1. — [(B)] 2. (text unchanged)

[(3)] (2) A person who is disqualified from participating under paragraphs (1)(i) or [(2)](ii) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

(i) — (iii) (text unchanged)

[(4)] (3) The prohibitions of paragraph [1 and 2] (1)(i) or (ii) of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.

(4) A former regulated lobbyist who is or becomes subject to this chapter as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

(d) (text unchanged)

(e) Post-employment limitations and restrictions.

(1) (text unchanged)

(2) [Until the conclusion of the next regular session that begins after the elected official leaves office, a] A former [member of the *County, City, or Town Council or legislative body*] elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year after the elected official leaves office.

(f) (text unchanged)

(g) Use of prestige of office.

(1) (i) An official or employee may not intentionally use the prestige of office or public position [for]:

(A) For the private gain of that official or employee or the private gain of another; or

(B) To influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.

(ii) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

(2) (text unchanged)

(3) (i) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.

(ii) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

(h) — (i) (text unchanged)

Section 5. Financial disclosure — local elected officials and candidates to be local elected officials.

(a) (text unchanged)

(b) Candidates to be local elected officials.

(1) — (3) (text unchanged)

(4) If a statement required to be filed by a candidate is overdue and not filed within 8 days [candidate fails to file a statement required by this section] after written notice of the failure to file is provided by the *County, City, or Town* Clerk or Board of Election Supervisors [at least 20 days before the last day for the withdrawal of candidacy], the candidate is deemed to have withdrawn the candidacy.

(5) — (6) (text unchanged)

(c) Public record.

(1) — (4) (text unchanged)

(5) For statements filed after January 1, 2019, the Commission or the office designated by the Commission may not provide public access to an individual's home address that the individual has designated as the individual's home address.

(d) (text unchanged)

(e) Contents of statement.

(1) — (5) (text unchanged)

(6) Indebtedness to entities doing business with or regulated by the individual's *County, City, or Town* unit or department.

(i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the individual's *County, City, or Town* unit or department owed at any time during the reporting period:

(A) — (B) (text unchanged)

(ii) (text unchanged)

(7) (text unchanged)

(8) Sources of earned income.

(i) — (ii) (text unchanged)

(iii) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the *County, City, Or Town*, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

(9) (text unchanged)

(f) — (g) (text unchanged)

Section 6. — Section 9. (text unchanged)

**Subtitle 05 BOARD OF EDUCATION
ETHICS REGULATIONS**

Appendix A — Model Board of Education Ethics Regulations

Authority: General Provisions Article, §§5-205, 5-206 and 5-815—5-820, Annotated Code of Maryland

CHAPTER ____ — ETHICS PROVISIONS

Section 1. — Section 2. (text unchanged)

Section 3. Definitions.

In these regulations, the following terms have the meanings indicated.

(a) — (h) (text unchanged)

(i) (1) — (2) (text unchanged)

(3) "Interest" does not include:

(i) — (v) (text unchanged)

(vi) A mutual fund or exchange-traded fund that is publicly traded on a national exchange unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

(j) — (q) (text unchanged)

Section 4. (text unchanged)

Section 5. Prohibited conduct and interests.

(a) Participation.

(1) — (3) (text unchanged)

(4) A former regulated lobbyist who is or becomes subject to this chapter as an employee or official, other than a member of the Board, may not participate in a case, contract, or other specific matter as an employee or official, other than a member of the Board, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

(b) — (d) (text unchanged)

(e) [Prestige] Use of prestige of office.

(1) (i) An official may not intentionally use the prestige of office or public position [for]:

(A) For the private gain of that official or the private gain of another; or

(B) To influence, except as part of the official duties of the official or as a usual and customary constituent service by a member of the Board without additional compensation, the award of a state or local contract to a specific person.

(ii) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

(2) (text unchanged)

(3) (i) An official, other than a member of the Board, may not use public resources or the title of the official to solicit a contribution as that term is defined in the Election Law Article.

(ii) A member of the Board may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

(f) — (g) (text unchanged)

Section 6. Financial disclosure.

(a) — (c) (text unchanged)

(d) Candidates to be members of the Board.

(1) — (3) (text unchanged)

(4) If a statement required to be filed by a candidate is overdue and not filed within 8 days [candidate fails to file a statement required by this section] after written notice of the failure to file is provided by the Board of Election Supervisors [at least 20 days before the last day for the withdrawal of candidacy], the candidate is deemed to have withdrawn the candidacy.

(5) — (6) (text unchanged)

(e) Public Record.

(1) — (4) (text unchanged)

(5) For statements filed after January 1, 2019, the Panel or the office designated by the Panel may not provide public access to an individual's home address that the individual has designated as the individual's home address.

(f) (text unchanged)

(g) Contents of statement.

(1) — (5) (text unchanged)

(6) Indebtedness to entities doing business with or regulated by the individual's school system unit or department [or Board].

(i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the individual's school system unit or department [or Board] owed at any time during the reporting period:

(A) — (B) (text unchanged)

(ii) (text unchanged)

(7) (text unchanged)

(8) Sources of earned income.

(i) — (ii) (text unchanged)

(iii) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the Board, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

(9) (text unchanged)

(h) — (i) (text unchanged)

Section 7. — Section 8. (text unchanged)

Appendix B — Model Board of Education Ethics Regulations

Authority: General Provisions Article, §§5-206 and 5-815—5-820, Annotated Code of Maryland

CHAPTER — ETHICS PROVISIONS

Section 1. — Section 2. (text unchanged)

Section 3. Conflicts of interest.

(a) (text unchanged)

(b) Participation.

(1) — (2) (text unchanged)

(3) A former regulated lobbyist who is or becomes subject to this chapter as an employee or official, other than a member of the Board, may not participate in a case, contract, or other specific matter as an employee or official, other than a member of the Board, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

(c) — (e) (text unchanged)

(f) [Prestige] Use of prestige of office.

(1) (i) An official may not intentionally use the prestige of office or public position [for]:

(A) For the private gain of that official or the private gain of another; or

(B) To influence, except as part of the official duties of the official or as a usual and customary constituent service by a member of the Board without additional compensation, the award of a state or local contract to a specific person.

(ii) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

(2) (text unchanged)

(3) (i) An official, other than a member of the Board, may not use public resources or the title of the official to solicit a contribution as that term is defined in the Election Law Article.

(ii) A member of the Board may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

(g) — (h) (text unchanged)

Section 4. Financial disclosure — members of the Board of Education and candidates to be members of the Board of Education.

- (a) — (c) (text unchanged)
- (d) Candidates to be members of the Board of Education.
 - (1) — (3) (text unchanged)
 - (4) If a statement required to be filed by a candidate is overdue and not filed within 8 days [candidate fails to file a statement required by this section] after written notice of the failure to file is provided by the Board of Election Supervisors [at least 20 days before the last day for the withdrawal of candidacy], the candidate is deemed to have withdrawn the candidacy.
 - (5) — (6) (text unchanged)
 - (d) Public record.
 - (1) — (4) (text unchanged)
 - (5) For statements filed after January 1, 2019, the Panel or the office designated by the Panel may not provide public access to an individual's home address that the individual has designated as the individual's home address.
 - (e) (text unchanged)
 - (f) Contents of statement.
 - (1) — (5) (text unchanged)
 - (6) Indebtedness to entities doing business with or regulated by the individual's school system unit or department [or Board].
 - (i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the individual's school system unit or department [or Board] owed at any time during the reporting period:
 - (A) — (B) (text unchanged)
 - (ii) (text unchanged)
 - (7) (text unchanged)
 - (8) Sources of earned income.
 - (i) — (ii) (text unchanged)
 - (iii) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the Board, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.
 - (9) (text unchanged)
 - (g) — (h) (text unchanged)

Section 5. — Section 8. (text unchanged)

Subtitle 07 LOBBYING

19A.07.01 General

Authority: General Provisions Article, §5-206 and Title 5, Subtitle 7, Annotated Code of Maryland

.06 Lobbyist Disclosure — Boards and Commissions.

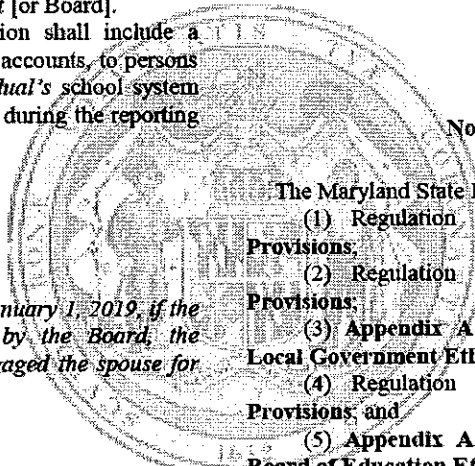
A. At the time a regulated lobbyist is appointed to serve on a board or commission subject to the jurisdiction of the Ethics Commission, or at the time a board or commission member becomes subject to the lobbying regulations, the regulated lobbyist shall file a report:

- (1) — (4) (text unchanged)
- (5) Providing the following information:
 - (a) For any current representation of a person for compensation before a State governmental unit, except in a judicial or quasi-judicial proceeding:
 - (i) — (ii) (text unchanged)
 - (iii) The name of the State agency; [and]
 - (iv) The [nature of the representation] services performed; and
 - (v) The monetary consideration;

(b) For any current representation of a State agency for compensation, any contractual relationship with State government, or any transaction with State government for monetary consideration:

- (i) — (ii) (text unchanged)
 - (iii) The [position of employment, or] services performed[,] or details of any contractual relationship or the transaction entered into; [and]
 - (c) For any current interest held by the regulated lobbyist, the regulated lobbyist's spouse or dependent children, together or separately having either 10 percent or more of the capital stock, or stock worth [\$25,000] \$35,000 or more, in a corporation subject to regulation by or doing business with the board or commission, or any interest in a partnership, limited liability partnership, or limited liability company subject to regulation by or doing business with the board or commission:
 - (i) — (iii) (text unchanged)
 - (iv) The nature of the interest held[.];
 - (d) The primary employer of the spouse of the regulated lobbyist; and
 - (e) The name of any business entity from which the regulated lobbyist or the spouse of the regulated lobbyist receives earned income as a result of an ownership interest in the business.
- B. — D. (text unchanged)

MICHAEL W. LORD
Executive Director



Notice of Proposed Action
[17-204-P]

The Maryland State Ethics Commission proposes to amend:

- (1) Regulation .02 under COMAR 19A.01.01 General Provisions;
- (2) Regulation .02 under COMAR 19A.04.01 General Provisions;
- (3) Appendix A and Appendix B under COMAR 19A.04 Local Government Ethics Law;
- (4) Regulation .02 under COMAR 19A.05.01 General Provisions; and
- (5) Appendix A and Appendix B under COMAR 19A.05 Board of Education Ethics Regulations.

This action was considered by the State Ethics Commission during a public meeting held on June 15, 2017 at the Commission's office.

Statement of Purpose

The purpose of this action is to update State Ethics Commission regulations to conform to the provisions of the General Provisions Article, Title 5.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michael W. Lord, Executive Director, State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, Maryland 21401, or call 410-260-7770, or email to michael.lord@maryland.gov, or fax to 410-260-7746. Comments will