

INTRODUCED 2/2/15  
PUBLIC HEARING 2/17/15  
COUNCIL ACTION 3/2/15  
EXECUTIVE ACTION 3/4/15  
EFFECTIVE DATE 5/4/15

## County Council of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 2

Bill No. 5 -2015

### Introduced by: The Chairperson

AN ACT to alter the definition of "employee" for purposes of the Howard County Public Ethics Law; to exclude certain mutual funds from the definition of "interest"; to clarify the retention period for certain filings; providing that certain subpoenas may be sent by certified mail and may be judicially enforced; eliminating a requirement that a request be made before a certain notice is provided; making technical corrections; and generally relating to the Howard County Public Ethics Law.

Introduced and read first time February 2, 2015. Ordered posted and hearing scheduled.

By order

Jessica Feldmark  
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on February 17, 2015.

By order

Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on March 2, 2015 and Passed ☒ Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order

Jessica Feldmark  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4th day of March, 2015 at 10:30 a.m./p.m.

By order

Jessica Feldmark  
Jessica Feldmark, Administrator

Approved by the County Executive March 4, 2015

Allan H. Kittleman  
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the**  
2 **Howard County Code is amended as follows:**

3 *By amending:*

4 **Title 22 - General Provisions**

5 **Subtitle 2. - Howard County Public Ethics Law**

6 **Section 22.202. - Definitions.**

7 *(g) Employee.*

8 *(h) Financial interest.*

9 **Section 22.203. - Administration.**

10 *(i)*

11 *(q)*

12 **Section 22.206. - Financial disclosure statements.**

13 *(g) Candidates to be Elected Officials.*

14 *(h) Public Record.*

15 *(i) Retention Requirements.*

16  
17 **Title 22 - General Provisions**

18 **Subtitle 2. - Howard County Public Ethics Law**

19 **Section 22.202. - Definitions.**

20 In this subtitle, the following terms have the meanings indicated:

21 *(g)(1)* Employee means an individual who is employed by the County or the Howard

22 County Library, **INCLUDING A CONTINGENT EMPLOYEE.**

23 *(2)* Employee does not include an elected local official.

24 *(3)* Employee does not include an employee of:

25 *(i)* The offices of the sheriff, state's attorney, register of wills, or the clerk  
26 of the court;

27 *(ii)* The County health department; or

1 (iii) The County department of social services.

2 **(4) EMPLOYEE DOES NOT INCLUDE A CONTRACTUAL EMPLOYEE, UNLESS THE**  
3 **CONTRACTUAL EMPLOYEE IS SUBJECT TO THIS SUBTITLE BY THE TERMS OF A**  
4 **CONTRACT.**

5 (h) Financial interest means:

6 (1) Ownership of any interest as the result of which the owner has received,  
7 within the past three years, or is presently receiving, or in the future is entitled to receive,  
8 more than \$1,000.00 per year; or

9 (2) Ownership, or the ownership of securities of any kind representing or  
10 convertible into ownership, of more than 3 percent of a business entity by a County  
11 official or employee, or the spouse of an official or employee.

12 (i)(1) Gift means the transfer of anything of economic value, regardless of the form,  
13 without adequate and lawful consideration.

14 (2) Gift does not include a political campaign contribution regulated under the  
15 Elections Article of the Annotated Code of Maryland or any other provision of State or  
16 local law regulating the conduct of elections or the receipt of political campaign  
17 contributions.

18 (j) Immediate family means a spouse and dependent children.

19 (k)(1) Interest means a legal or equitable economic interest, whether or not subject to an  
20 encumbrance or a condition, that is owned or held, in whole or in part, jointly or  
21 severally, directly or indirectly.

22 (2) For purposes of section 22.204 of this subtitle, "interest" includes any interest  
23 held at any time during the reporting period.

1 (3) Interest does not include:

2 (i) An interest held in the capacity of a personal agent, custodian,  
3 fiduciary, or personal representative, trustee, unless the holder has an equitable  
4 interest in the subject matter;

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

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

9 (iv) A common trust fund or a trust which forms part of a pension or profit  
10 sharing plan which has more than 25 participants and which has been determined  
11 by the internal revenue service to be a qualified trust under the Internal Revenue  
12 Code; [[or]]

13 (v) A college savings plan under the Internal Revenue Code; OR

14 (VI) A MUTUAL FUND THAT IS PUBLICLY TRADED ON A NATIONAL SCALE  
15 UNLESS THE MUTUAL FUND IS COMPOSED PRIMARILY OF HOLDINGS OF STOCKS  
16 AND INTERESTS IN A SPECIFIC SECTOR OR AREA THAT IS REGULATED BY THE  
17 DEPARTMENT IN WHICH THE INDIVIDUAL IS EMPLOYED.

18  
19 **Section 22.203. - Administration.**

20 (i) [[The Commission, or an office designated by the Commission, shall retain as a  
21 public record all forms submitted by any person under this subtitle for at least four years  
22 after receipt by the Commission.]] The Commission shall keep on file the minutes of its  
23 proceedings in accordance with State of Maryland's Open Meetings Act. **THE**

1 COMMISSION, OR AN OFFICE DESIGNATED BY THE COMMISSION, SHALL RETAIN AS A  
2 PUBLIC RECORD ALL FORMS SUBMITTED BY ANY PERSON UNDER THIS SUBTITLE FOR  
3 THE LONGER OF:

4 (1) FOUR YEARS AFTER RECEIPT; OR

5 (2) IF THE PERSON IS AN ELECTED OFFICIAL, THE ENTIRETY OF THE PERSON'S  
6 TERM.

7 (q)(1) The Executive Secretary OR A DESIGNEE, on behalf of the Commission, may issue  
8 subpoenas:

9 (i) For the attendance of witnesses to testify; or

10 (ii) To produce DOCUMENTS AND OTHER evidence relevant and necessary  
11 to the administration and enforcement of this subtitle.

12 (2) A subpoena shall be served by [[delivering]] HAND-DELIVERING OR MAILING  
13 BY CERTIFIED MAIL a copy either to the person named or to an agent authorized by  
14 appointment or by law to receive service for the person named.

15 (3) A SUBPOENA MAY BE JUDICIALLY ENFORCED.  
16

17 **Section 22.206. - Financial disclosure statements.**

18 (g) Candidates to be Elected Officials.

19 (1) Except an official or employee who has filed a financial disclosure statement  
20 under another provision of this section for the reporting period, a candidate to be an  
21 elected official shall file a financial disclosure statement each year beginning with the  
22 year in which the certificate of candidacy is filed through the year of the election.

1 (2)(I) A candidate to be an elected official shall file a statement required under  
2 this section:

3 [[(i)]] a. In the year the certificate of candidacy is filed, no later [[that]]  
4 THAN the filing of the certificate of candidacy;

5 [[(ii)]] b. In the year of the election, on or before the earlier of April 30 or  
6 the last day for the withdrawal of candidacy; and

7 [[(iii)]] c. In all other years for which a statement is required, on or before  
8 April 30.

9 (II) THE INITIAL FINANCIAL DISCLOSURE STATEMENT SHALL INCLUDE  
10 THE PRECEDING CALENDAR YEAR THROUGH THE DATE OF THE CERTIFICATE OF  
11 CANDIDACY FILED WITH THE BOARD OF ELECTIONS FOR HOWARD COUNTY.

12 (3) A candidate to be an elected official:

13 (i) May file the statement required under subsection (g)(2)(i) of this  
14 section with the County Board of [[Election Supervisors]] ELECTIONS with the  
15 certificate of candidacy or with the Commission prior to filing the certificate of  
16 candidacy; and

17 (ii) Shall file the statements required under subsections (g)(2)(ii) and (iii)  
18 of this section with the Commission.

19 (4) If a candidate fails to file a statement required by this section after written  
20 notice is provided by the County Board of [[Election Supervisors]] ELECTIONS at least  
21 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to  
22 have withdrawn the candidacy.

1           (5) The County Board of ~~[[Election Supervisors]]~~ **ELECTIONS** may not accept any  
2 certificate of candidacy unless a statement required under this section has been filed in  
3 proper form.

4           (6) Within 30 days of the receipt of a statement required under this section, the  
5 County Board of ~~[[Election Supervisors]]~~ **ELECTIONS** shall forward the statement to the  
6 Commission, or an office designated by the Commission.

7 (h)     Public Record.

8           (1) The Commission, or an office designated by the Commission, shall maintain  
9 all financial disclosure statements filed under this section.

10          (2) The Commission, or an office designated by the Commission, shall make  
11 financial disclosure statements available during normal office hours, for examination and  
12 copying by the public subject to reasonable fees and administrative procedures  
13 established by the County.

14          (3) If an individual examines or copies a financial disclosure statement, the  
15 Commission or the office designated by the Commission shall record:

16               (i) The name and home address of the individual reviewing or copying the  
17 statement; and

18               (ii) The name of the person whose financial disclosure statement was  
19 examined or copied.

20          (4) ~~[[Upon request by the individual whose financial disclosure statement was~~  
21 ~~examined or copied, the]]~~ **THE** Commission, or the office designated by the Commission,  
22 shall provide the official or employee with a copy of the name and home address of the  
23 person who reviewed the official's or employee's financial disclosure statement.

1           (5) A financial disclosure statement required by this subtitle shall not be used in  
2 any way for, or be made available for commercial purposes.

3       (i) Retention Requirements. The Commission, or the office designated by the  
4 Commission, shall retain financial disclosure statements for [[four years from the date of  
5 receipt]] **THE LONGER OF:**

6           **(1) FOUR YEARS AFTER RECEIPT; OR**

7           **(2) IF THE PERSON IS AN ELECTED OFFICIAL, THE ENTIRETY OF THE PERSON'S**  
8           **TERM.**

9  
10    *Section 2. And Be It Further Enacted by the County Council of Howard County,*  
11    *Maryland, that this Act shall become effective 61 days after its enactment.*



BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on March 4, 2015.

Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council