

SENATE BILL 921

G2

9lr3032
CF HB 673

By: **Senator Hough**

Introduced and read first time: February 14, 2019

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 22, 2019

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2019

CHAPTER _____

1 AN ACT concerning

2 **Frederick County – Ethics and Campaign Activity – County Board and**
3 **Commission Members and Board of License Commissioners**

4 FOR the purpose of prohibiting a member of the Board of License Commissioners of
5 Frederick County ~~from having an authorized candidate campaign committee and~~
6 ~~campaign finance entity while serving as a member of the Board; requiring a certain~~
7 ~~individual appointed to the Board to close an open authorized candidate campaign~~
8 ~~committee and campaign finance entity by a certain day; or a person acting on behalf~~
9 ~~of the member, a campaign finance entity of the member, or any other campaign~~
10 ~~finance entity operated in coordination with the member from soliciting, receiving,~~
11 ~~depositing, or using a contribution while the member is serving on the Board;~~
12 ~~prohibiting a campaign finance entity of the member or any other campaign finance~~
13 ~~entity operated in coordination with the member from making an expenditure while~~
14 ~~the member is serving on the Board, except for a certain purpose; requiring a~~
15 ~~campaign finance entity of the member or any other campaign finance entity~~
16 ~~operated in coordination with the member to pay all outstanding obligations before~~
17 ~~the member begins serving on the Board; prohibiting an appointed member of the~~
18 ~~Frederick County Board of Zoning Appeals, the Frederick County Ethics~~
19 ~~Commission, the Frederick County Planning Commission, or the Board of License~~
20 ~~Commissioners of Frederick County from having an authorized candidate campaign~~
21 ~~committee and campaign finance entity while serving as a member of the board or~~
22 ~~commission; requiring a certain individual appointed to a certain board or~~
23 ~~commission to close an open authorized candidate campaign committee and~~
24 ~~campaign finance entity by a certain day; or a person acting on behalf of the member,~~

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.



1 a campaign finance entity of the member, or any other campaign finance entity
 2 operated in coordination with the member from soliciting, receiving, depositing, or
 3 using a contribution while the member is serving on the board or commission;
 4 prohibiting a campaign finance entity of the member or any other campaign finance
 5 entity operated in coordination with the member from making an expenditure while
 6 the member is serving on the board or commission, except for a certain purpose;
 7 requiring a campaign finance entity of the member or any other campaign finance
 8 entity operated in coordination with the member to pay all outstanding obligations
 9 before the member begins serving on the board or commission; making clarifying and
 10 conforming changes; and generally relating to ethics and campaign activity in
 11 Frederick County.

12 BY repealing and reenacting, without amendments,
 13 Article – Alcoholic Beverages
 14 Section 20–201
 15 Annotated Code of Maryland
 16 (2016 Volume and 2018 Supplement)

17 BY repealing and reenacting, with amendments,
 18 Article – Alcoholic Beverages
 19 Section 20–202
 20 Annotated Code of Maryland
 21 (2016 Volume and 2018 Supplement)

22 BY repealing and reenacting, without amendments,
 23 Article – General Provisions
 24 Section 5–865
 25 Annotated Code of Maryland
 26 (2014 Volume and 2018 Supplement)

27 BY repealing and reenacting, with amendments,
 28 Article – General Provisions
 29 Section 5–866
 30 Annotated Code of Maryland
 31 (2014 Volume and 2018 Supplement)

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

34 **Article – Alcoholic Beverages**

35 20–201.

36 There is a Board of License Commissioners for Frederick County.

37 20–202.

1 (a) The Governor shall appoint three members to the Board.

2 (b) Each member of the Board shall be:

3 (1) a registered voter of the county during the member's term of office; and

4 (2) an individual of good moral character and integrity who reasonably
5 reflects the citizenry of the county.

6 (c) (1) In this subsection, "direct or indirect interest" means an interest that
7 is proprietary or obtained by a loan, mortgage, or lien or in any other manner.

8 (2) A member of the Board may not:

9 (i) have a direct or indirect interest in or on a premises where
10 alcoholic beverages are manufactured or sold;

11 (ii) have a direct or indirect interest in a business wholly or partly
12 devoted to the manufacture or sale of alcoholic beverages;

13 (iii) own stock in:

14 1. a corporation that has a direct or indirect interest in a
15 premises where alcoholic beverages are manufactured or sold; or

16 2. a business wholly or partly devoted to the manufacture or
17 sale of alcoholic beverages;

18 (iv) hold any other public office or employment; or

19 (v) solicit or receive, directly or indirectly, a commission,
20 remuneration, or gift from:

21 1. a person engaged in the manufacture or sale of alcoholic
22 beverages; or

23 2. a license holder.

24 (3) A person who violates this subsection is guilty of a misdemeanor and is
25 subject to a fine not exceeding \$1,000.

26 (d) (1) The term of a member is 5 years.

27 (2) The terms of the members are staggered as required by the terms
28 provided for members of the Board on July 1, 2016.

1 (e) A member who is appointed after a term has begun serves only for the rest of
2 the term and until a successor is appointed and qualifies.

3 (f) (1) The Governor may remove a member for incompetence, misconduct,
4 neglect of a duty required by law, or unprofessional or dishonorable conduct.

5 (2) The Governor shall give a member who is charged a copy of the charges
6 against the member and, with at least 10 days' notice, an opportunity to be heard publicly
7 in person or by counsel.

8 (3) If a member is removed, the Governor shall file with the Office of the
9 Secretary of State a statement of charges against the member and the Governor's findings
10 on the charges.

11 (g) (1) **IN THIS SUBSECTION, "CAMPAIGN FINANCE ENTITY" HAS THE**
12 **MEANING STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.**

13 ~~(2) A MEMBER MAY NOT HAVE AN AUTHORIZED CANDIDATE~~
14 ~~CAMPAIGN COMMITTEE OR A CAMPAIGN FINANCE ENTITY WHILE SERVING ON THE~~
15 ~~BOARD.~~

16 ~~(3) AN INDIVIDUAL WHO IS APPOINTED BY THE GOVERNOR AS A~~
17 ~~MEMBER AND HAS AN AUTHORIZED CANDIDATE CAMPAIGN COMMITTEE AND~~
18 ~~CAMPAIGN FINANCE ENTITY SHALL CLOSE THE COMMITTEE AND THE CAMPAIGN~~
19 ~~FINANCE ENTITY BEFORE THE FIRST DAY OF THE MEMBER'S TERM.~~

20 (2) A MEMBER, A PERSON ACTING ON BEHALF OF THE MEMBER, A
21 CAMPAIGN FINANCE ENTITY OF THE MEMBER, OR ANY OTHER CAMPAIGN FINANCE
22 ENTITY OPERATED IN COORDINATION WITH THE MEMBER MAY NOT SOLICIT,
23 RECEIVE, DEPOSIT, OR USE A CONTRIBUTION WHILE THE MEMBER IS SERVING ON
24 THE BOARD.

25 (3) A CAMPAIGN FINANCE ENTITY OF THE MEMBER OR ANY OTHER
26 CAMPAIGN FINANCE ENTITY OPERATED IN COORDINATION WITH THE MEMBER MAY
27 NOT MAKE AN EXPENDITURE, EXCEPT TO PAY A LATE FILING FEE OR CIVIL PENALTY
28 IMPOSED UNDER TITLE 13 OF THE ELECTION LAW ARTICLE, WHILE THE MEMBER
29 IS SERVING ON THE BOARD.

30 (4) A CAMPAIGN FINANCE ENTITY OF THE MEMBER OR ANY OTHER
31 CAMPAIGN FINANCE ENTITY OPERATED IN COORDINATION WITH THE MEMBER
32 SHALL PAY ANY OUTSTANDING OBLIGATIONS BEFORE THE MEMBER BEGINS
33 SERVING ON THE BOARD.

34 ~~(4)~~ (5) No later than 48 hours after opening a campaign account through
35 a campaign finance entity, [as defined in § 1-101 of the Election Law Article,] a member

1 who has established an authorized candidate campaign committee shall vacate the
2 member's position on the Board in accordance with § 5-866 of the General Provisions
3 Article.

4 Article – General Provisions

5 5-865.

6 This part applies only to an appointed member of the Frederick County Board of
7 Zoning Appeals, the Frederick County Ethics Commission, the Frederick County Planning
8 Commission, or the Board of License Commissioners for Frederick County.

9 5-866.

10 (A) IN THIS PART, “CAMPAIGN FINANCE ENTITY” HAS THE MEANING STATED
11 IN § 1-101 OF THE ELECTION LAW ARTICLE.

12 ~~(B) AN APPOINTED MEMBER OF A BOARD OR COMMISSION UNDER § 5-865~~
13 ~~OF THIS SUBTITLE MAY NOT HAVE AN AUTHORIZED CANDIDATE CAMPAIGN~~
14 ~~COMMITTEE OR CAMPAIGN FINANCE ENTITY WHILE SERVING ON THE BOARD OR~~
15 ~~COMMISSION.~~

16 ~~(C) AN INDIVIDUAL WHO IS APPOINTED AS A MEMBER TO A BOARD OR~~
17 ~~COMMISSION UNDER § 5-865 OF THIS SUBTITLE AND HAS AN AUTHORIZED~~
18 ~~CANDIDATE CAMPAIGN COMMITTEE AND A CAMPAIGN FINANCE ENTITY SHALL~~
19 ~~CLOSE THE COMMITTEE AND THE CAMPAIGN FINANCE ENTITY BEFORE THE FIRST~~
20 ~~DAY OF THE MEMBER'S TERM.~~

21 (B) A MEMBER, A PERSON ACTING ON BEHALF OF THE MEMBER, A
22 CAMPAIGN FINANCE ENTITY OF THE MEMBER, OR ANY OTHER CAMPAIGN FINANCE
23 ENTITY OPERATED IN COORDINATION WITH THE MEMBER MAY NOT SOLICIT,
24 RECEIVE, DEPOSIT, OR USE A CONTRIBUTION WHILE THE MEMBER IS SERVING ON
25 THE BOARD OR COMMISSION.

26 (C) A CAMPAIGN FINANCE ENTITY OF THE MEMBER OR ANY OTHER
27 CAMPAIGN FINANCE ENTITY OPERATED IN COORDINATION WITH THE MEMBER MAY
28 NOT MAKE AN EXPENDITURE, EXCEPT TO PAY A LATE FILING FEE OR CIVIL PENALTY
29 IMPOSED UNDER TITLE 13 OF THE ELECTION LAW ARTICLE, WHILE THE MEMBER
30 IS SERVING ON THE BOARD OR COMMISSION.

31 (D) A CAMPAIGN FINANCE ENTITY OF THE MEMBER OR ANY OTHER
32 CAMPAIGN FINANCE ENTITY OPERATED IN COORDINATION WITH THE MEMBER
33 SHALL PAY ANY OUTSTANDING OBLIGATIONS BEFORE THE MEMBER BEGINS
34 SERVING ON THE BOARD OR COMMISSION.

1 ~~(D)~~ (E) Not later than 48 hours after opening a campaign account through a
 2 campaign finance entity, [as defined in § 1-101 of the Election Law Article,] an appointed
 3 member of [the Board of Zoning Appeals, Ethics Commission, Planning Commission, or the
 4 Board of License Commissioners] **A BOARD OR COMMISSION UNDER § 5-865 OF THIS**
 5 **SUBTITLE** who has established an authorized candidate campaign committee shall vacate
 6 the position on the board or commission.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 8 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.