

Maryland State Laws Applicable to Harford Community College

Updated 11/12/2017

This document presents selected portions of Maryland state law (the Annotated Code of Maryland) that are most directly applicable to Harford Community College. Public education is a state function and state law governs the existence and activities of community colleges.

Education Article

§ 10-202. Principles on which public higher education is based

Public higher education in Maryland should be based on the following principles:

- (1) The people of Maryland expect quality in all aspects of public higher education: teaching, research, and public service;
- (2) Public higher education should be accessible to all those who seek and qualify for admission;
- (3) Public higher education should provide a diversity of quality educational opportunities;
- (4) Adequate funding by the State is critical if public higher education is to achieve its goal;
- (5) The people of Maryland are entitled to efficient and effective management of public higher education; and
- (6) The people of Maryland are entitled to capable and creative leadership in public higher education.

§10-204. Duties of public institutions of higher education generally

Public institutions of higher education shall:

- (1) Provide postsecondary education to students;
- (2) Transmit culture and extend knowledge through general higher education;
- (3) Teach and train students for careers and advanced study;
- (4) Protect academic freedom;
- (5) Promote civic responsibility;
- (6) Enhance economic development of the State through research, training, and extension services to business and industry;

(7) Provide public services for citizens of the State; and

(8) Assure that women and minorities are equitably represented among faculty, staff, and administration, so that the higher education community reflects the diversity of the State's population.

§ 10-205. Goals

(a) Associate's degree goals -- Adults. -- It is the goal of the State that at least 55% of Maryland's adults age 25 to 64 will hold at least an associate's degree by the year 2025.

(b) Associate's degree goals -- Degree-seeking students. -- It is the goal of the State that all degree-seeking students enrolled in a public community college earn an associate's degree before leaving the community college or transferring to a public senior higher education institution.

(c) Utilization of educational resources. -- Institutions of higher education should utilize educational resources to provide the greatest possible benefit to the citizens of the State and to foster economic development.

(d) Cooperation among regions. -- In each region of the State, institutions of higher education should cooperate to assure an effective and efficient education system.

(e) Development of missions and programs. -- In developing missions and programs, the Maryland Higher Education Commission and each governing board and its constituent institutions shall consider the role, mission, and function of other public senior higher education institutions, particularly those institutions offering unique programs and services in the same geographical region.

§ 10-210. Duties of community colleges

(a) Provide diverse range of educational services. -- The community colleges of the State shall provide a diverse range of education services, with particular emphasis on community centered programs and programs that afford open access to persons with a variety of educational backgrounds.

(b) Curricula, programs, etc. -- The community colleges of the State shall:

(1) Provide a core curriculum of general education, including courses in the arts and sciences, that should be available to all students;

(2) Provide lower level undergraduate courses, in accordance with credit transfer guidelines set by the Maryland Higher Education Commission, for students who aspire to continue their education at a senior institution;

(3) Provide technical and career education programs;

(4) Provide training in skills and fields of study of importance to the region's business community;

- (5) Provide a wide variety of continuing education programs to benefit citizens of the community;
- (6) Provide developmental and remedial education for citizens with needs in these areas; and
- (7) Provide public services to the community's citizens.

§ 16-103. Powers of board of trustees

(a) In general. -- In addition to the other powers granted and duties imposed by this title, and subject to the authority of the Maryland Higher Education Commission, each board of community college trustees has the powers and duties set forth in this section.

(b) Establishment and operation. -- With the approval of the Maryland Higher Education Commission, each board of trustees may establish and operate one or more community colleges.

(c) General control; rules and regulations. -- Each board of trustees shall exercise general control over the community college, keep separate records and minutes, and adopt reasonable rules, regulations, or bylaws to carry out the provisions of this subtitle.

(d) Salaries and tenure. -- Each board of trustees may fix the salaries and tenure of the president, faculty, and other employees of the community college.

(e) Acquisition of property. -- Each board of trustees may purchase, lease, condemn, or otherwise acquire any property it considers necessary for the operation of the community college.

(f) Disposition of property. --

(1) Each board of trustees may sell, lease, or otherwise dispose of community college assets or property.

(2) Except as provided in § 16-105(h) of this subtitle, the president of the community college and the chairman of the board of trustees may execute a conveyance or other legal document under an appropriate resolution of the board.

(g) Cooperative use of facilities with board of education. -- Each board of trustees may:

(1) With the approval of the Commission, permit the county board of education to use the lands, buildings, or other facilities of the community college; and

(2) With the approval of the county board of education, use any land, buildings, assets, or other facilities of the county board of education.

(h) Gifts and grants. -- Each board of trustees may apply for and accept any gift or grant from the federal government or any other person.

(i) Entrance requirements; curriculum. -- Subject to the minimum standards of the Commission, each

board of trustees may determine entrance requirements and approve offerings that consist of:

- (1) Transfer programs offering the equivalent of the first 2 years of a bachelor's degree program;
- (2) Career programs offering technical, vocational, and semiprofessional education; and
- (3) Continuing education programs.

(j) Student fees. -- Each board of trustees may charge students reasonable tuition and fees set by it with a view to making college education available to all qualified individuals at low cost.

(k) Suits. -- Each board of trustees may sue and be sued.

(l) Agreements. -- Each board of trustees may make agreements with the federal government or any other person, including agreements between counties to support a regional community college, if the board considers the agreement advisable for the establishment or operation of the community college.

(m) Name. -- Except as provided in § 16-105(i) of this subtitle, each board of trustees shall be styled "the board of trustees of community (or junior) college".

(n) Seal. -- Each board of trustees may adopt a corporate seal.

§ 16-104. President

(a) Appointment. -- Except as provided in § 16-105 of this subtitle, each board of trustees shall appoint a president of each community college under its jurisdiction.

(b) Duties. -- The president:

(1) Shall report directly to the board of trustees;

(2) Shall recommend the appointment by the board of qualified faculty members and other employees necessary for the efficient administration of the community college;

(3) Shall recommend the discharge of employees for good cause; however, any employee with tenure shall be given reasonable notice of the grounds for dismissal and an opportunity to be heard;

(4) Is responsible for the conduct of the community college and for the administration and supervision of its departments; and

(5) Shall attend all meetings of the board, except those involving the president's personal position as president.

§ 16-408. Harford County Board of Trustees

(a) Composition. --

(1) The Board of Community College Trustees for Harford County consists of nine members.

(2) Subject to paragraph (4) of this subsection, each of the members shall be:

(i) A resident of Harford County; and

(ii) Appointed by the Governor for terms of 5 years.

(3) Of the nine members:

(i) Six shall be appointed with one from each of the six councilmanic districts; and

(ii) Three shall be appointed from the county at large.

(4) No member may be a member of the Harford County Board of Education while serving as a member of the Board.

(b) Two-term limit. -- A member of the Board may not serve for more than two consecutive 5 year terms.

(c) Meetings with other officials. -- At least twice annually, the Board of Community College Trustees, the College President, the Harford County Board of Education, and the Superintendent of the Harford County public schools shall meet to discuss issues of mutual concern.

Other sections of the Education Article

Many other sections of the Education Article apply to community colleges but were not selected to have their full text included in this document. To view any section electronically:

- Go to www.mgaleg.maryland.gov
- Select Statutes
- Select Education Article
- Select the Section to View

§ 16-101. Board of community college trustees

§ 16-102. Officers; meetings

§ 16-106. Waiver of tuition for certain students

§ 16-107. Comprehensive liability insurance; defense of sovereign immunity

§ 16-108. Requests for proposals to offer certain baccalaureate degree programs

§ 16-301. Budget

§ 16-302. Authority to borrow money for certain purposes

§ 16-302.1. Authority to issue notes

§ 16-303. Validation of certain lease purchase agreements

§ 16-304. Powers of county government

- § 16-305. Computation of State and county aid to community colleges
- § 16-310. Tuition and fees for nonresident students
- § 16-311. Bids and contracts; mandatory minority business utilization program
- § 16-313. Procurement by competitive sealed proposals
- § 16-314. Sole source procurement contracts
- § 16-314.1. Noncompetitive negotiation
- § 16-315. Audits
- § 16-318. Nonvisual access clause for procurement of computer-based instructional technology
- § 16-319. Supplemental services and support for students with disabilities; grant program

General Provisions Article

Title 3. Open Meetings Act

§ 3-102. Legislative policy

(a) In general. -- It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances:

(1) public business be conducted openly and publicly; and

(2) the public be allowed to observe:

(i) the performance of public officials; and

(ii) the deliberations and decisions that the making of public policy involves.

(b) Accountability; faith in government; effectiveness of public involvement. --

(1) The ability of the public, its representatives, and the media to attend, report on, and broadcast meetings of public bodies and to witness the phases of the deliberation, policy formation, and decision making of public bodies ensures the accountability of government to the citizens of the State.

(2) The conduct of public business in open meetings increases the faith of the public in government and enhances the effectiveness of the public in fulfilling its role in a democratic society.

(c) Public policy. -- Except in special and appropriate circumstances when meetings of public bodies may be closed under this title, it is the public policy of the State that the public be provided with adequate notice of the time and location of meetings of public bodies, which shall be held in places reasonably accessible to individuals who would like to attend these meetings.

§ 3-213. Required training

(a) Applicability. -- This section does not apply to a public body that is:

(1) in the Judicial Branch of State government; or

(2) subject to governance by rules adopted by the Court of Appeals.

(b) Designation of individual. -- Each public body shall designate at least one individual who is an employee, an officer, or a member of the public body to receive training on the requirements of the open meetings law.

(c) Class to be taken. -- Within 90 days after being designated under subsection (b) of this section, an individual shall complete a class on the open meetings law.

(d) Requirements for closed sessions. --

(1) This subsection applies to a public body that meets in a closed session on or after October 1, 2017.

(2) A public body may not meet in a closed session unless the public body has designated at least one member of the public body to receive training on the requirements of the open meetings law.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, at least one individual designated under paragraph (2) of this subsection shall be present at each open meeting of the public body.

(ii) If an individual designated under paragraph (2) of this subsection cannot be present at an open meeting of the public body, the public body shall complete the Compliance Checklist for Meetings Subject to the Maryland Open Meetings Act developed by the Office of the Attorney General and include the completed checklist in the minutes for the meeting.

§ 3-301. Open sessions generally required

Except as otherwise expressly provided in this title, a public body shall meet in open session.

§ 3-302. Notice

(a) Required. -- Before meeting in a closed or open session, a public body shall give reasonable advance notice of the session.

(b) Form. -- Whenever reasonable, a notice under this section shall:

(1) be in writing;

(2) include the date, time, and place of the session; and

(3) if appropriate, include a statement that a part or all of a meeting may be conducted in closed session.

(c) Method. -- A public body may give the notice under this section as follows:

(1) if the public body is a unit of State government, by publication in the Maryland Register;

(2) by delivery to representatives of the news media who regularly report on sessions of the public body or the activities of the government of which the public body is a part;

(3) if the public body previously has given public notice that this method will be used:

(i) by posting or depositing the notice at a convenient public location at or near the place of the session; or

(ii) by posting the notice on an Internet Web site ordinarily used by the public body to provide information to the public; or

(4) by any other reasonable method.

(d) Copy of notice. -- A public body shall keep a copy of a notice provided under this section for at least 1 year after the date of the session.

§ 3-302.1. Availability of agenda to public.

(a) In general. --

(1) Subject to subsection (b) of this section, before meeting in an open session, a public body shall make available to the public an agenda:

(i) containing known items of business or topics to be discussed at the portion of the meeting that is open; and

(ii) indicating whether the public body expects to close any portion of the meeting in accordance with § 3-305 of this subtitle.

(2) If an agenda has been determined at the time the public body gives notice of the meeting under § 3-302 of this subtitle, the public body shall make available the agenda at the same time the public body gives notice of the meeting.

(3) If an agenda has not been determined at the time the public body gives notice of the meeting, the public body shall make available the agenda as soon as practicable after the agenda has been determined but no later than 24 hours before the meeting.

(b) Requirements -- Emergency meetings. -- If a public body is unable to comply with the provisions of subsection (a) of this section because the meeting was scheduled in response to an emergency, a natural disaster, or any other unanticipated situation, the public body shall make available on request an agenda of the meeting within a reasonable time after the meeting occurs.

(c) Closed portion of meeting excepted. -- A public body is not required to make available any information in the agenda regarding the subject matter of the portion of the meeting that is closed in

accordance with § 3-305 of this subtitle.

(d) Method. --

(1) A public body required to make available an agenda under subsection (a) of this section may make available the agenda using a method authorized for giving notice under § 3-302(c) of this subtitle.

(2) The method a public body uses for making available an agenda may be different from the method a public body uses for giving notice.

(e) Alteration of agenda. -- Nothing in this section may be construed to prevent a public body from altering the agenda of a meeting after the agenda has been made available to the public.

§ 3-303. Attendance at open session

(a) In general. -- Whenever a public body meets in open session, the general public is entitled to attend.

(b) Rules. -- A public body shall adopt and enforce reasonable rules regarding the conduct of persons attending its meetings and the videotaping, televising, photographing, broadcasting, or recording of its meetings.

(c) Removal of individuals. --

(1) If the presiding officer determines that the behavior of an individual is disrupting an open session, the public body may have the individual removed.

(2) Unless the public body or its members or agents act maliciously, the public body, members, and agents are not liable for having an individual removed under this subsection.

§ 3-305. Closed sessions

(a) Construction of section. -- The exceptions in subsection (b) of this section shall be strictly construed in favor of open meetings of public bodies.

(b) In general. -- Subject to subsection (d) of this section, a public body may meet in closed session or adjourn an open session to a closed session only to:

(1) discuss:

(i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or

(ii) any other personnel matter that affects one or more specific individuals;

(2) protect the privacy or reputation of an individual with respect to a matter that is not related to public business;

(3) consider the acquisition of real property for a public purpose and matters directly related to the acquisition;

(4) consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;

(5) consider the investment of public funds;

(6) consider the marketing of public securities;

(7) consult with counsel to obtain legal advice;

(8) consult with staff, consultants, or other individuals about pending or potential litigation;

(9) conduct collective bargaining negotiations or consider matters that relate to the negotiations;

(10) discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including:

(i) the deployment of fire and police services and staff; and

(ii) the development and implementation of emergency plans;

(11) prepare, administer, or grade a scholastic, licensing, or qualifying examination;

(12) conduct or discuss an investigative proceeding on actual or possible criminal conduct;

(13) comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or

(14) discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

(c) Limitation. -- A public body that meets in closed session under this section may not discuss or act on any matter not authorized under subsection (b) of this section.

(d) Vote; written statement. --

(1) Unless a majority of the members of a public body present and voting vote in favor of closing the session, the public body may not meet in closed session.

(2) Before a public body meets in closed session, the presiding officer shall:

(i) conduct a recorded vote on the closing of the session; and

(ii) make a written statement of the reason for closing the meeting, including a citation of the authority under this section, and a listing of the topics to be discussed.

(3) If a person objects to the closing of a session, the public body shall send a copy of the written statement to the Board.

(4) The written statement shall be a matter of public record.

(5) A public body shall keep a copy of the written statement for at least 1 year after the date of the session.

§ 3-306. Minutes; online posting.

(a) Scope of section. -- This section does not:

(1) require any change in the form or content of the Journal of the Senate of Maryland or Journal of the House of Delegates of Maryland; or

(2) limit the matters that a public body may include in its minutes.

(b) Minutes required. --

(1) Subject to paragraphs (2) and (3) of this subsection, as soon as practicable after a public body meets, it shall have minutes of its session prepared.

(2) A public body need not prepare minutes of an open session if:

(i) live and archived video or audio streaming of the open session is available; or

(ii) the public body votes on legislation and the individual votes taken by each member of the public body who participates in the voting are posted promptly on the Internet.

(3) The information specified under paragraph (2) of this subsection shall be deemed the minutes of the open session.

(c) Content of minutes. --

(1) The minutes shall reflect:

(i) each item that the public body considered;

(ii) the action that the public body took on each item; and

(iii) each vote that was recorded.

(2) If a public body meets in closed session, the minutes for its next open session shall include:

(i) a statement of the time, place, and purpose of the closed session;

(ii) a record of the vote of each member as to closing the session;

(iii) a citation of the authority under § 3-305 of this subtitle for closing the session; and

(iv) a listing of the topics of discussion, persons present, and each action taken during the session.

(3) (i) A session may be recorded by a public body.

(ii) Except as otherwise provided in paragraph (4) of this subsection, the minutes and any recording of a closed session shall be sealed and may not be open to public inspection.

(4) The minutes and any recording shall be unsealed and open to inspection as follows:

(i) for a meeting closed under § 3-305(b)(5) of this subtitle, when the public body invests the funds;

(ii) for a meeting closed under § 3-305(b)(6) of this subtitle, when the public securities being discussed have been marketed; or

(iii) on request of a person or on the public body's own initiative, if a majority of the members of the public body present and voting vote in favor of unsealing the minutes and any recording.

(d) Access. -- Except as provided in subsection (c) of this section, minutes of a public body are public records and shall be open to public inspection during ordinary business hours.

(e) Retention; online posting. --

(1) A public body shall keep a copy of the minutes of each session and any recording made under subsection (b)(2)(i) or (c)(3)(i) of this section for at least 5 years after the date of the session.

(2) To the extent practicable, a public body shall post online the minutes or recordings required to be kept under paragraph (1) of this subsection.

General Provisions Article

Title 5. Maryland Public Ethics Law

§ 5-102. Legislative findings; policy; liberal construction

(a) Legislative findings. --

(1) The General Assembly of Maryland, recognizing that our system of representative government is dependent on maintaining the highest trust by the people in their government officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of those officials and employees will be maintained.

(2) It is evident that the people's confidence and trust are eroded when the conduct of the State's business is subject to improper influence or even the appearance of improper influence.

(b) Policy. -- For the purpose of guarding against improper influence, the General Assembly enacts this Maryland Public Ethics Law to require certain government officials and employees to disclose their financial affairs and to set minimum ethical standards for the conduct of State and local business.

§ 5-501. Restrictions on participation

(a) In general. -- Except as otherwise provided in subsection (c) of this section, an official or employee may not participate in a matter if:

(1) the official or employee or a qualifying relative of the official or employee has an interest in the matter and the official or employee knows of the interest; or

(2) any of the following is a party to the matter:

(i) a business entity in which the official or employee has a direct financial interest of which the official or employee reasonably may be expected to know;

(ii) a business entity, including a limited liability company or a limited liability partnership, of which any of the following is an officer, a director, a trustee, a partner, or an employee:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(iii) a business entity with which any of the following has applied for a position, is negotiating employment, or has arranged prospective employment:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(iv) if the contract reasonably could be expected to result in a conflict between the private interest and the official State duties of the official or employee, a business entity that is a party to a contract with:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(v) a business entity, either engaged in a transaction with the State or subject to regulation by the official's or employee's governmental unit, in which a direct financial interest is owned by another business entity if the official or employee:

1. has a direct financial interest in the other business entity; and
2. reasonably may be expected to know of both financial interests; or

(vi) a business entity that:

1. the official or employee knows is a creditor or an obligee of the official or employee, or of a qualifying relative of the official or employee, with respect to a thing of economic value; and
2. as a creditor or an obligee, is in a position to affect directly and substantially the interest of the official, employee, or qualifying relative.

(a-1) Former regulated lobbyists. --

(1) This subsection does not apply to an individual who is a public official only as a member of a board and who receives annual compensation that is less than 25% of the lowest annual compensation at State grade level 16.

(2) A former regulated lobbyist who is or becomes subject to regulation under this title as a public official or employee may not participate in a case, contract, or other specific matter as a public official or employee 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) Exceptions. --

(1) The prohibitions of subsection (a) of this section do not apply if participation is allowed:

(i) as to officials and employees subject to the authority of the Ethics Commission, by regulation of the Ethics Commission;

(ii) by the opinion of an advisory body; or

(iii) by another provision of this subtitle.

(2) This section does not prohibit participation by an official or employee that is limited to the exercise of an administrative or ministerial duty that does not affect the decision or disposition with respect to the matter.

(c) Participation notwithstanding conflict. -- An official or employee who otherwise would be

disqualified from participation under subsection (a) of this section shall disclose the nature and circumstances of the conflict, and may participate or act, if:

- (1) the disqualification would leave a body with less than a quorum capable of acting;
- (2) the disqualified official or employee is required by law to act; or
- (3) the disqualified official or employee is the only individual authorized to act.

§ 5-502. Employment or financial interests -- General restriction

(a) General Assembly members exempted. -- This section does not apply to members of the General Assembly.

(b) Prohibitions. -- Except as provided in subsections (c) and (d) of this section, an official or employee may not:

(1) be employed by or have a financial interest in:

(i) an entity subject to the authority of that official or employee or of the governmental unit with which the official or employee is affiliated; or

(ii) an entity that is negotiating or has entered a contract with that governmental unit or an entity that is a subcontractor on a contract with that governmental unit; or

(2) hold any other employment relationship that would impair the impartiality and independent judgment of the official or employee.

(c) Exceptions. -- The prohibitions of subsection (b) of this section do not apply:

(1) to employment or a financial interest allowed by regulation of the Ethics Commission if:

(i) the employment does not create a conflict of interest or the appearance of a conflict of interest; or

(ii) the financial interest is disclosed;

(2) to a public official who is appointed to a regulatory or licensing unit in accordance with a statutory requirement that entities subject to the jurisdiction of the unit be represented in appointments to it;

(3) as allowed by regulations adopted by the Ethics Commission, to an employee whose government duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest; or

(4) to a member of a board who holds the employment or financial interest when appointed if the

employment or financial interest is disclosed publicly to the appointing authority, the Ethics Commission, and, if applicable, the Senate of Maryland before Senate confirmation.

(d) Exemption under extraordinary circumstances. --

(1) Subject to paragraph (2) of this subsection, the Ethics Commission may exempt a public official of an executive unit or an employee of an executive unit from the prohibitions of subsection (b) of this section if the Ethics Commission determines that:

(i) failure to grant the exemption would limit the ability of the State to:

1. recruit and hire highly qualified or uniquely qualified professionals for public service; or
2. assure the availability of competent services to the public; and

(ii) the number of exemptions granted under this subsection has not eroded the purposes of subsection (b) of this section or other provisions of this title.

(2) (i) The Ethics Commission may grant an exemption under paragraph (1) of this subsection only:

1. in extraordinary situations; and
2. on the recommendation of the Governor, at the request of the executive unit involved.

(ii) The Ethics Commission shall apply this subsection as consistently as possible under similar facts and circumstances.

(e) Posting of disclosure statements. --

(1) The Ethics Commission shall make freely available on the Internet documentation of a disclosure under subsection (c)(4) of this section that is submitted to the Ethics Commission on or after January 1, 2019.

(2) An appointing authority shall promptly transmit a copy of a disclosure statement submitted to the appointing authority under subsection (c)(4) of this section to the Ethics Commission.

§ 5-601. Individuals required to file statement

(a) Officials and candidates. -- Except as provided in subsections (b) and (c) of this section, and subject to subsections (d) and (e) of this section, each official and candidate for office as a State official shall file a statement as specified in §§ 5-602 through 5-608 of this subtitle.

(b) State officials of Judicial Branch. -- Financial disclosure by a judge of a court under Article IV, § 1 of the Maryland Constitution, a candidate for elective office as a judge, or a judicial appointee as defined in Maryland Rule 16-814 is governed by § 5-610 of this subtitle.

(c) Exceptions. -- The requirement to file a financial disclosure statement under subsection (a) of this section does not apply to:

(1) a deputy sheriff and any employee in the office of the sheriff of a county; and

(2) a deputy or assistant State's Attorney and any employee in the office of the State's Attorney for a county.

(d) Member of board. -- An individual who is a public official only as a member of a board and who receives annual compensation that is less than 25% of the lowest annual compensation at State grade level 16 shall file the statement required by subsection (a) of this section in accordance with § 5-609 of this subtitle.

(e) Commissioner of bicounty commission. -- A commissioner or an applicant for appointment as commissioner of a bicounty commission shall file the statement required by subsection (a) of this section in accordance with Subtitle 8, Part IV of this title.

§ 5-602. Financial disclosure statement -- Filing requirements

(a) In general. -- Except as otherwise provided in this subtitle, a statement filed under § 5-601, § 5-603, § 5-604, or § 5-605 of this subtitle shall:

(1) be filed electronically with the Ethics Commission;

(2) be filed under oath;

(3) be filed on or before April 30 of each year;

(4) cover the calendar year immediately preceding the year of filing; and

(5) contain the information required in § 5-607 of this subtitle.

(b) Duplicate filing. -- A member of the General Assembly shall file the statement with the Ethics Commission and the Joint Ethics Committee.

(c) Preliminary disclosure. --

(1) In addition to the statement filed under § 5-601 of this subtitle, a member of the General Assembly shall file a preliminary disclosure on or before the seventh day of the regular legislative session if there will be a substantial change in the statement covering the calendar year immediately preceding the year of filing, as compared to the next preceding calendar year.

(2) A member of the General Assembly whose statement under § 5-601 of this subtitle will not contain a substantial change is not required to file a preliminary disclosure under paragraph (1) of this subsection.

(3) The Joint Ethics Committee shall determine:

- (i) the form of a preliminary disclosure under this subsection; and
- (ii) which aspects of financial disclosure are subject to this subsection.

(4) A preliminary disclosure shall be filed and maintained, and may be disclosed, in the same manner required for a statement filed under § 5-601 of this subtitle.

(d) Electronic filing; exemption. --

(1) The Ethics Commission shall develop and implement procedures for the electronic filing of a statement under this subtitle.

(2) (i) To comply with the requirement of paragraph (1) of this subsection, the Ethics Commission may adopt regulations to modify the format for disclosure of information required under § 5-607 of this subtitle.

(ii) The regulations adopted under this paragraph shall be consistent with the intent of this title.

(e) Oath or affirmation for electronic filing. --

(1) If the financial disclosure statement filed electronically under subsection (d) of this section is required to be made under oath or affirmation, the oath or affirmation shall be made by an electronic signature that is:

(i) in the financial disclosure statement or attached to and made part of the financial disclosure statement; and

(ii) made expressly under the penalties for perjury.

(2) An electronic signature made under paragraph (1) of this subsection subjects the individual making it to the penalties for perjury to the same extent as an oath or affirmation made before an individual authorized to administer oaths.

(f) Providing list of entities doing business with the governmental unit in preceding year. -- On or before January 15 of each year, a governmental unit shall provide an individual who is employed by the governmental unit and who is required to file a statement under this subtitle a list of entities that did business with the governmental unit during the preceding calendar year.

§ 5-603. Appointee filling vacancy

An individual who is appointed to fill a vacancy in an office for which a statement is required by § 5-601(a) of this subtitle, and who has not already filed a statement under § 5-602 of this subtitle for the preceding calendar year, shall file the statement within 30 days after appointment.

§ 5-609. Certain board members -- Modified requirements

(a) Filing requirements. --

(1) Subject to paragraph (2) of this subsection, a member of a board who is described in § 5-601(d) of this subtitle shall file the statement required by § 5-601 of this subtitle.

(2) The member shall be required to disclose the information specified in § 5-607 of this subtitle only as to those interests, gifts, compensated positions, and liabilities that may create a conflict, as described in Subtitle 5 of this title, between the member's personal interests and the member's duties on the board.

(b) Regulations. --

(1) The Ethics Commission shall adopt regulations, subject to the approval of the Administrative, Executive, and Legislative Review Committee, specifying:

- (i) the information to be disclosed under subsection (a) of this section; and
- (ii) the circumstances under which the information is to be disclosed.

(2) The regulations adopted under this subsection shall be based on the experience of the Ethics Commission in:

- (i) implementing Subtitle 5 of this title; and
- (ii) reviewing statements under this subtitle.

State Government Article

§ 8-501. Boards and commissions; failure to attend meetings

(a) Member deemed to have resigned. -- A member of a State board or commission appointed by the Governor who fails to attend at least 50% of the meetings of the board or commission during any consecutive 12-month period shall be considered to have resigned.

(b) Notice to Governor. -- Not later than January 15 of the year following the end of the 12-month period the chairman of the board or commission shall forward to the Governor:

- (1) the name of the individual considered to have resigned; and
- (2) a statement describing the individual's history of attendance during the period.

(c) Appointment of successor. -- Except as provided in subsection (d) of this section, after receiving the chairman's statement the Governor shall appoint a successor for the remainder of the term of the

individual.

(d) Exception. -- If the individual has been unable to attend meetings for reasons satisfactory to the Governor, the Governor may waive the resignation if the reasons are made public.