

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

Senate Bill 192 (The President, *et al.*) (By Request – Administration)
Education, Health, and Environmental Affairs

Public Ethics - Judicial Review - Alteration of Stay of Enforcement of an Order

This Administration bill repeals provisions requiring a final order of the State Ethics Commission to be stayed until final disposition by a court if a timely appeal has been filed. The bill provides that the enforcement of a final order by the commission may be stayed at the discretion of the commission or the reviewing court.

Fiscal Summary

State Effect: The requirements of the bill are procedural in nature and could be handled within existing budgeted resources.

Local Effect: None.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law: If a respondent is aggrieved by a final order of the State Ethics Commission, the respondent may seek judicial review under the provisions of the Administrative Procedure Act in Title 10 of the State Government Article. An order is stayed automatically until the time period for seeking judicial review has expired. If a timely appeal is filed, the order is stayed automatically until final disposition by the court.

Additional Information

Prior Introductions: None.

Cross File: HB 298 (The Speaker and the Minority Leader, *et al.*) (By Request – Administration) – Environmental Matters.

Information Source(s): State Ethics Commission, Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2004
ncs/jr

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