
By: **Delegate Simmons**

Introduced and read first time: January 26, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Ethics Commission - Judicial Review - Stays Pending Appeal**

3 FOR the purpose of repealing a requirement that, if a timely appeal is filed to a
4 certain order of the State Ethics Commission, the order is stayed automatically
5 for a certain period of time; providing that, if a timely appeal is filed to a certain
6 order of the State Ethics Commission, the order may be stayed at the discretion
7 of the final decision maker or the judge subject to certain conditions; and
8 generally relating to the State Ethics Commission and judicial review of final
9 orders.

10 BY repealing and reenacting, without amendments,
11 Article - State Government
12 Section 10-222(e)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - State Government
17 Section 15-406
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2003 Supplement)

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

22 **Article - State Government**

23 10-222.

24 (e) (1) The filing of a petition for judicial review does not automatically stay
25 the enforcement of the final decision.

26 (2) Except as otherwise provided by law, the final decision maker may
27 grant or the reviewing court may order a stay of the enforcement of the final decision
28 on terms that the final decision maker or court considers proper.

1 15-406.

2 (a) If the respondent is aggrieved by a final order of the Ethics Commission,
3 the respondent may seek judicial review as provided in Title 10, Subtitle 2 of this
4 article (Administrative Procedure Act -- Contested Cases).

5 (b) (1) The order is stayed automatically until the time for seeking judicial
6 review has expired.

7 (2) If a timely appeal is filed, the order [is stayed until final disposition
8 by the court] MAY BE STAYED AS PROVIDED IN § 10-222 OF THIS ARTICLE.

9 (c) The Ethics Commission may seek judicial enforcement and other relief as
10 provided under Subtitle 8 of this title.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
12 effect October 1, 2004.