
By: **Prince George's County Delegation and Montgomery County
Delegation**

Introduced and read first time: February 11, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission - Ethics and Applicants for**
3 **Commissioner**
4 **PG/MC 110-04**

5 FOR the purpose of requiring the County Executive in Montgomery County to review
6 a certain financial disclosure form of a certain applicant for commissioner;
7 authorizing the Washington Suburban Sanitary Commission (WSSC) to
8 establish a Board of Ethics for a certain purpose; authorizing the Board of
9 Ethics to administer oaths and issue certain subpoenas; providing that a certain
10 subpoena may be judicially enforced; authorizing a certain respondent to seek
11 judicial review under certain circumstances; providing that a certain order is
12 stayed under certain circumstances; authorizing the WSSC to seek judicial
13 enforcement under certain circumstances; prohibiting a person from willfully
14 and knowingly violating certain laws; authorizing a court to compel compliance
15 with a certain order in a certain manner; authorizing the court to impose a
16 certain fine; defining a certain term; and generally relating to the Washington
17 Suburban Sanitary Commission.

18 BY repealing and reenacting, with amendments,
19 Article 29 - Washington Suburban Sanitary District
20 Section 1-103(c) and 12-106
21 Annotated Code of Maryland
22 (2003 Replacement Volume)

23 BY adding to
24 Article 29 - Washington Suburban Sanitary District
25 Section 12-105.1
26 Annotated Code of Maryland
27 (2003 Replacement Volume)

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

Article 29 - Washington Suburban Sanitary District

1-103.

(c) (1) In Montgomery County, the applicant shall be interviewed:

(i) In a question and answer fashion; and

(ii) Under oath about all sources of income, property holdings, business interests, and financial interests of the applicant, and the applicant's spouse, father, mother, brother, sister, or child.

(2) The County Executive of Montgomery County may require the production of any documents that the County Executive wishes the applicant to produce.

(3) THE COUNTY EXECUTIVE OF MONTGOMERY COUNTY SHALL REVIEW THE FINANCIAL DISCLOSURE FORM SUBMITTED BY THE APPLICANT AS REQUIRED UNDER § 15-821 OF THE STATE GOVERNMENT ARTICLE.

(4) A written transcript of the interview:

(i) Shall be made;

(ii) Unless waived by the applicant, may be reviewed by the applicant;

(iii) May be altered for the applicant by the transcribing officer if accompanied by a statement of the reason given by the applicant for the alteration; and

(iv) Shall be signed by the applicant.

[(4)] (5) The transcribing officer shall certify on the transcript that:

(i) The applicant was duly sworn by the officer; and

(ii) The transcript is a true record of the testimony given by the applicant.

[(5)] (6) The County Executive of Montgomery County shall:

(i) Publicly disclose the complete transcribed testimony of actual appointees to the WSSC 3 weeks after their appointment; and

(ii) Destroy the complete transcript of all other applicants immediately without the disclosure to anyone of any information contained in the transcript.

1 12-105.1.

2 (A) IN THIS SECTION, "BOARD" MEANS THE BOARD OF ETHICS ESTABLISHED
3 UNDER SUBSECTION (B) OF THIS SECTION.

4 (B) THE WSSC MAY ADOPT REGULATIONS TO ESTABLISH A BOARD OF ETHICS
5 TO ADMINISTER THE ETHICS REGULATIONS ADOPTED UNDER TITLE 15, SUBTITLE 8,
6 PART III OF THE STATE GOVERNMENT ARTICLE.

7 (C) (1) THE BOARD MAY:

8 (I) ADMINISTER OATHS; AND

9 (II) ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES TO
10 TESTIFY OR TO PRODUCE OTHER EVIDENCE.

11 (2) A SUBPOENA ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION
12 MAY BE JUDICIALLY ENFORCED.

13 (D) (1) IF A RESPONDENT IS AGGRIEVED BY A FINAL ORDER OF THE BOARD,
14 THE RESPONDENT MAY SEEK JUDICIAL REVIEW AS PROVIDED IN TITLE 10, SUBTITLE
15 2 OF THE STATE GOVERNMENT ARTICLE.

16 (2) (I) UNLESS THE BOARD AND THE RESPONDENT MUTUALLY AGREE
17 OTHERWISE, AN ORDER OF THE BOARD IS STAYED UNTIL THE TIME FOR SEEKING
18 JUDICIAL REVIEW HAS EXPIRED.

19 (II) IF A TIMELY APPEAL IS FILED, THE ORDER IS STAYED UNTIL
20 FINAL DISPOSITION OF THE COURT.

21 (3) WSSC MAY SEEK JUDICIAL ENFORCEMENT:

22 (I) OF AN ORDER OF THE BOARD; OR

23 (II) IN ACCORDANCE WITH § 12-106 OF THIS TITLE, TO ENSURE
24 COMPLIANCE WITH ITS REGULATIONS GOVERNING:

25 1. CONFLICTS OF INTEREST;

26 2. FINANCIAL DISCLOSURE;

27 3. LOBBYING; AND

28 4. ETHICS IN PUBLIC CONTRACTING.

29 12-106.

30 (A) Notwithstanding any provision of law to the contrary, a [commissioner or
31 employee of the WSSC] PERSON may not willfully and knowingly violate any
32 provision of this title [or of], the Maryland Public Ethics Law, OR THE REGULATIONS

1 OF THE WSSC GOVERNING CONFLICTS OF INTEREST, FINANCIAL DISCLOSURE,
2 LOBBYING, AND ETHICS IN PUBLIC CONTRACTING.

3 (B) A COURT MAY COMPEL COMPLIANCE WITH AN ORDER OF THE WSSC
4 BOARD OF ETHICS OR WSSC'S REGULATIONS GOVERNING CONFLICTS OF INTEREST,
5 FINANCIAL DISCLOSURE, LOBBYING, OR ETHICS IN PUBLIC CONTRACTING BY:

6 (1) ISSUING AN ORDER TO CEASE AND DESIST FROM THE VIOLATION; OR

7 (2) GRANTING OTHER INJUNCTIVE RELIEF.

8 (C) IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, A COURT
9 MAY IMPOSE A FINE NOT EXCEEDING \$5,000 FOR A VIOLATION OF THIS TITLE OR
10 WSSC REGULATIONS GOVERNING CONFLICTS OF INTEREST, FINANCIAL
11 DISCLOSURE, LOBBYING, OR ETHICS IN PUBLIC CONTRACTING.

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