

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 298

(The Speaker and the Minority Leader, *et al.*)
(By Request – Administration)

Environmental Matters

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: A small business impact statement was not provided by the Administration in time for inclusion in this fiscal note. A revised fiscal note will be issued when the Administration's assessment becomes available.

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

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

Fiscal Note History: First Reader - February 10, 2004
ncs/mdr

Analysis by: Michelle L. Harrison-Davis

Direct Inquiries to:
(410) 946-5510
(301) 970-5510