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

Introduced and read first time: February 4, 2005

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission - Ethics**  
3 **MC/PG 108-05**

4 FOR the purpose of authorizing the Washington Suburban Sanitary Commission  
5 Board of Ethics to administer oaths and issue certain subpoenas; providing that  
6 a Board subpoena may be judicially enforced or contested in accordance with the  
7 Maryland Rules of Procedure; authorizing an aggrieved respondent to seek  
8 judicial review; providing that a certain order is stayed under certain  
9 circumstances; limiting the scope of judicial enforcement for certain complaints;  
10 authorizing the WSSC to seek judicial enforcement under certain  
11 circumstances; prohibiting certain persons from willfully and knowingly  
12 violating certain laws; authorizing a court to compel compliance with a certain  
13 order in a certain manner; authorizing a court to impose a certain fine; defining  
14 a certain term; and generally relating to the Washington Suburban Sanitary  
15 Commission.

16 BY adding to  
17 Article 29 - Washington Suburban Sanitary District  
18 Section 12-105.1  
19 Annotated Code of Maryland  
20 (2003 Replacement Volume and 2004 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article 29 - Washington Suburban Sanitary District  
23 Section 12-106  
24 Annotated Code of Maryland  
25 (2003 Replacement Volume and 2004 Supplement)

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

1 **Article 29 - Washington Suburban Sanitary District**

2 12-105.1.

3 (A) IN THIS SECTION, "BOARD" MEANS THE BOARD OF ETHICS ESTABLISHED  
4 BY THE WSSC UNDER REGULATIONS ADOPTED IN ACCORDANCE WITH TITLE 15,  
5 SUBTITLE 8, PART III OF THE STATE GOVERNMENT ARTICLE.

6 (B) (1) THE BOARD MAY:

7 (I) ADMINISTER OATHS; AND

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

10 (2) A SUBPOENA ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION  
11 MAY BE JUDICIALLY ENFORCED OR CONTESTED IN ACCORDANCE WITH THE  
12 MARYLAND RULES OF PROCEDURE.

13 (C) (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 BY THE COURT.

21 (3) THE 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 (D) NOTWITHSTANDING ANY PROVISION OF THE WSSC CODE OF ETHICS TO  
30 THE CONTRARY, JUDICIAL ENFORCEMENT UNDER THIS SECTION IN THE  
31 INVESTIGATION OF A COMPLAINT ALLEGING IMPROPER DISCLOSURE OF  
32 CONFIDENTIAL INFORMATION SHALL APPLY ONLY TO INFORMATION THAT IS  
33 SUBJECT TO DENIAL OF A REQUEST FOR INFORMATION UNDER THE MARYLAND  
34 PUBLIC INFORMATION ACT.

1 12-106.

2 (a) Notwithstanding any provision of law to the contrary, a commissioner [or  
3 employee], EMPLOYEE, CONTRACTOR, OR SUBCONTRACTOR of the WSSC may not  
4 willfully and knowingly violate any provision of this title [or of], the Maryland Public  
5 Ethics Law, OR THE REGULATIONS OF THE WSSC GOVERNING CONFLICTS OF  
6 INTEREST, FINANCIAL DISCLOSURE, LOBBYING, AND ETHICS IN PUBLIC  
7 CONTRACTING.

8 (B) A COURT MAY:

9 (1) COMPEL COMPLIANCE WITH AN ORDER OF THE WSSC BOARD OF  
10 ETHICS OR WSSC REGULATIONS GOVERNING CONFLICTS OF INTEREST, FINANCIAL  
11 DISCLOSURE, LOBBYING, OR ETHICS IN PUBLIC CONTRACTING BY:

12 (I) ISSUING AN ORDER TO CEASE AND DESIST FROM THE  
13 VIOLATION; OR

14 (II) GRANTING OTHER INJUNCTIVE RELIEF; AND

15 (2) IMPOSE A FINE NOT EXCEEDING \$5,000 FOR A VIOLATION OF THIS  
16 TITLE OR WSSC REGULATIONS GOVERNING CONFLICTS OF INTEREST, FINANCIAL  
17 DISCLOSURE, LOBBYING, OR ETHICS IN PUBLIC CONTRACTING.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2005.