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

Introduced and read first time: February 4, 2005
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2005

CHAPTER _____

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission - Maryland-National Capital**
3 **Park and Planning Commission - Ethics**
4 **MC/PG 108-05**

5 FOR the purpose of authorizing, rather than requiring, the County Executives of
6 Montgomery County and Prince George's County to conduct certain interviews
7 of each applicant for appointment or reappointment to the Washington
8 Suburban Sanitary Commission; requiring the County Executives to conduct
9 certain interviews of applicants selected for appointment to the WSSC;
10 authorizing a designee of the County Executive of Montgomery County to
11 require certain applicants to produce certain documents; authorizing the
12 Washington Suburban Sanitary Commission WSSC Board of Ethics to
13 administer oaths and issue certain subpoenas; providing that a Board subpoena
14 may be judicially enforced or contested in accordance with the Maryland Rules
15 of Procedure; authorizing an aggrieved respondent to seek judicial review;
16 providing that a certain order is stayed under certain circumstances; limiting
17 the scope of judicial enforcement for certain complaints; authorizing the WSSC
18 to seek judicial enforcement under certain circumstances; prohibiting certain
19 persons from willfully and knowingly violating certain laws; authorizing a court
20 to compel compliance with a certain order in a certain manner; authorizing a
21 court to impose a certain fine; clarifying certain requirements in Montgomery
22 County relating to the deadline for filing and the content of certain financial
23 disclosure statements filed by certain applicants for appointment to the WSSC
24 and the Maryland-National Capital Park and Planning Commission; defining a
25 certain term; making stylistic changes; and generally relating to the Washington
26 Suburban Sanitary Commission and the Maryland-National Capital Park and

1 Planning Commission.

2 BY repealing and reenacting, with amendments,

3 Article 29 - Washington Suburban Sanitary District

4 Section 1-103

5 Annotated Code of Maryland

6 (2003 Replacement Volume and 2004 Supplement)

7 BY adding to

8 Article 29 - Washington Suburban Sanitary District

9 Section 12-105.1

10 Annotated Code of Maryland

11 (2003 Replacement Volume and 2004 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article 29 - Washington Suburban Sanitary District

14 Section 12-106

15 Annotated Code of Maryland

16 (2003 Replacement Volume and 2004 Supplement)

17 BY repealing and reenacting, with amendments,

18 Article - State Government

19 Section 15-821

20 Annotated Code of Maryland

21 (2004 Replacement Volume)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

23 MARYLAND, That the Laws of Maryland read as follows:

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

25 1-103.

26 (a) (1) The County Executive shall make any appointment from a list of
27 applicants. The list of applicants shall:

28 (i) Be completed at least 3 weeks before the date the County
29 Executive makes the actual appointment; and

30 (ii) Be open to the public for inspection from the time the list is first
31 begun until an appointment is made by the County Executive.

32 (2) If a County Executive does not choose to appoint an individual from
33 the names on the list, the County Executive shall prepare additional lists and follow
34 the procedure applicable to the first list. The 3 week period begins with the closing of
35 each list.

1 (b) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
2 County Executive or a designee of the County Executive [shall] MAY interview in
3 private each applicant for appointment or reappointment to the WSSC as to possible
4 or potential conflicts of interest.

5 (2) THE COUNTY EXECUTIVE OR THE DESIGNEE OF THE COUNTY
6 EXECUTIVE SHALL INTERVIEW IN PRIVATE, PRIOR TO APPOINTMENT, AN APPLICANT
7 WHO IS SELECTED FOR APPOINTMENT TO THE WSSC AS TO POSSIBLE OR POTENTIAL
8 CONFLICTS OF INTEREST.

9 (c) (1) In Montgomery County, IF THE COUNTY EXECUTIVE OR DESIGNEE
10 OF THE COUNTY EXECUTIVE CONDUCTS AN INTERVIEW UNDER SUBSECTION (B) OF
11 THIS SECTION, the applicant shall be interviewed:

12 (i) In a question and answer fashion; and

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

16 (2) The County Executive of Montgomery County OR DESIGNEE OF THE
17 COUNTY EXECUTIVE may require the production of any documents that the County
18 Executive OR DESIGNEE wishes the applicant to produce.

19 (3) A written transcript of the interview:

20 (i) Shall be made;

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

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

26 (iv) Shall be signed by the applicant.

27 (4) The transcribing officer shall certify on the transcript that:

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

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

31 (5) The County Executive of Montgomery County OR DESIGNEE OF THE
32 COUNTY EXECUTIVE shall:

33 (i) Publicly disclose the complete transcribed testimony of AN
34 actual [appointees] APPOINTEE to the WSSC 3 weeks after [their] THE
35 appointment; and

1 (ii) Destroy the complete transcript of [all] ANY other [applicants]
2 APPLICANT immediately without the disclosure to anyone of any information
3 contained in the transcript.

4 12-105.1.

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

8 (B) ~~(A)~~ THE BOARD MAY:

9 ~~(A)~~ ADMINISTER OATHS;~~AND~~

10 ~~(B)~~ ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES TO
11 TESTIFY OR TO PRODUCE OTHER EVIDENCE.

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

15 (C) (1) IF A RESPONDENT IS AGGRIEVED BY A FINAL ORDER OF THE BOARD,
16 THE RESPONDENT MAY SEEK JUDICIAL REVIEW AS PROVIDED IN TITLE 10, SUBTITLE
17 2 OF THE STATE GOVERNMENT ARTICLE.

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

21 (II) IF A TIMELY APPEAL IS FILED, THE ORDER IS STAYED UNTIL
22 FINAL DISPOSITION BY THE COURT.

23 (3) THE WSSC MAY SEEK JUDICIAL ENFORCEMENT:

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

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

27 1. CONFLICTS OF INTEREST;

28 2. FINANCIAL DISCLOSURE;

29 3. LOBBYING; AND

30 4. ETHICS IN PUBLIC CONTRACTING.

31 (D) NOTWITHSTANDING ANY PROVISION OF THE WSSC CODE OF ETHICS TO
32 THE CONTRARY, JUDICIAL ENFORCEMENT UNDER THIS SECTION IN THE
33 INVESTIGATION OF A COMPLAINT ALLEGING IMPROPER DISCLOSURE OF
34 CONFIDENTIAL INFORMATION SHALL APPLY ONLY TO INFORMATION THAT IS

1 SUBJECT TO DENIAL OF A REQUEST FOR INFORMATION UNDER THE MARYLAND
2 PUBLIC INFORMATION ACT.

3 12-106.

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

10 (B) A COURT MAY:

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

14 (I) ISSUING AN ORDER TO CEASE AND DESIST FROM THE
15 VIOLATION; OR

16 (II) GRANTING OTHER INJUNCTIVE RELIEF; AND

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

20

Article - State Government

21 15-821.

22 (a) An applicant for appointment as commissioner shall file the financial
23 disclosure statement required by this Part III as prescribed in this section.

24 (b) The statement shall be filed with the county council and the chief
25 administrative officer of the county from which the applicant seeks appointment.

26 (c) (1) In Montgomery County, an applicant for appointment or
27 reappointment to the Maryland-National Capital Park and Planning Commission
28 shall file the statement not later than 5 days before the [initial date set for the
29 interview by the county council] INTERVIEW CONDUCTED UNDER ARTICLE 28, § 2-114
30 OF THE CODE. The statement shall cover the 12-month period ending 60 days before
31 the [initial date set for the interview] DAY THE STATEMENT IS FILED.

32 (2) In Prince George's County, an applicant for appointment to the
33 Maryland-National Capital Park and Planning Commission shall file the statement
34 not later than 5 days before the initial date set for the confirmation hearing by the
35 county council. The statement shall cover the 12-month period ending 60 days before
36 the initial date set for the confirmation hearing.

1 (d) An applicant for appointment to the Washington Suburban Sanitary
2 Commission shall file the statement not later than 5 days before the interview
3 [required by Article 29] CONDUCTED UNDER ARTICLE 29, § 1-103 of the Code. The
4 statement shall cover the 12-month period ending 60 days before the [initial date set
5 for the interview] DAY THE STATEMENT IS FILED.

6 (e) An applicant for appointment to the Washington Suburban Transit
7 Commission shall file the statement at least 10 days before the appointment becomes
8 effective. The statement shall cover the 12-month period ending not more than 60
9 days before the day the statement is filed.

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