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

Introduced and read first time: February 9, 2006
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission - Ethics**
3 **PG/MC 118-06**

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 and regulations; authorizing a court to compel compliance
13 with a certain order in a certain manner; authorizing a court to impose a certain
14 fine; defining a certain term; and generally relating to the Washington
15 Suburban Sanitary 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 2005 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 2005 Supplement)

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

Article 29 - Washington Suburban Sanitary District

12-105.1.

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

(B) (1) THE BOARD MAY:

(I) ADMINISTER OATHS; AND

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

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

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

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

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

(3) THE WSSC MAY SEEK JUDICIAL ENFORCEMENT:

(I) OF AN ORDER OF THE BOARD; OR

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

1. CONFLICTS OF INTEREST;

2. FINANCIAL DISCLOSURE;

3. LOBBYING; AND

4. ETHICS IN PUBLIC CONTRACTING.

(D) NOTWITHSTANDING ANY PROVISION OF THE WSSC CODE OF ETHICS TO THE CONTRARY, JUDICIAL ENFORCEMENT UNDER THIS SECTION IN THE INVESTIGATION OF A COMPLAINT ALLEGING IMPROPER DISCLOSURE OF CONFIDENTIAL INFORMATION SHALL APPLY ONLY TO INFORMATION THAT IS SUBJECT TO DENIAL OF A REQUEST FOR INFORMATION UNDER THE MARYLAND 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, 2006.