

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 209
Environmental Matters

(Delegate Howard, *et al.*)

Ethics - Complaints - Copy to Legislator

This bill requires the Joint Ethics Committee to provide a copy of a complaint alleging that a member of the General Assembly may have violated standards of ethical conduct to the legislator who is the subject of the complaint. The name of the complainant and any other identifying information must be redacted prior to providing the copy.

Fiscal Summary

State Effect: None. The bill's requirements could be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: State law requires the Joint Ethics Committee to: (1) perform all duties assigned to it by law or by legislative rules; (2) recommend changes or amendments to the rules of legislative ethics; (3) issue advisory opinions; (4) issue guidelines and procedures for implementing ethics rules; and (5) maintain conflict of interest statements filed by members of the General Assembly and other public records. Any rules established or modified by the committee may supplement, but not be inconsistent with, the provisions of the Public Ethics Law that relate to members of the General Assembly.

The committee reviews a complaint that a member has violated the public ethics law, and after a finding may recommend that the General Assembly impose appropriate sanctions.

The committee must also provide a copy of each complaint filed to the presiding officer of the house of the legislator who is the subject of the complaint. A copy of the complaint is provided to its subject only after the committee has determined, after examination of the complaint, that further proceedings are justified.

The committee can dismiss a complaint if it determines:

- the complaint is frivolous;
- the complaint does not allege actions on the part of the member which provide reason to believe that a violation may have occurred;
- the matters alleged are not within the jurisdiction of the committee;
- the violations alleged were inadvertent, technical, or minor, or have been cured, and, after consideration of all of the circumstances then known, further proceedings would not serve the purposes of the ethics law; or
- after consideration of all the circumstances, further proceedings would not serve the purposes of the ethics law.

Additional Information

Prior Introductions: HB 763 of 2006 and HB 685 of 2005, identical bills, received unfavorable reports in the House Environmental Matters Committee.

Cross File: None.

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

Fiscal Note History: First Reader - January 31, 2007
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Analysis by: Nicholas M. Goedert

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