

HOUSE BILL 1342

P5, G2, D5

8lr2920
CF SB 1138

By: Delegates Kelly, Fraser-Hidalgo, Krimm, Barve, ~~and Robinson~~ Robinson, Adams, Ali, Angel, Atterbeary, Aumann, Barkley, Barron, Beidle, Brooks, Carey, Carozza, Carr, Cassilly, Chang, Cullison, Ebersole, Fennell, Flanagan, Frick, Frush, Gibson, Gilchrist, Glenn, Grammer, Gutierrez, Hayes, Healey, Hettleman, Hill, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jameson, Kipke, Kittleman, Knotts, Korman, Kramer, Krebs, Lafferty, Lam, J. Lewis, R. Lewis, Lierman, Lisanti, Long, Luedtke, McComas, McCray, McIntosh, McKay, McMillan, Miele, A. Miller, Moon, Morales, Morgan, Morhaim, Mosby, Patterson, Pena-Melnyk, Pendergrass, Platt, Proctor, Queen, Reilly, Reznik, Rose, Rosenberg, Saab, Sample-Hughes, Sanchez, Simonaire, Stein, Sydnor, Tarlau, Turner, Valderrama, Valentino-Smith, Waldstreicher, A. Washington, M. Washington, Wilkins, K. Young, and P. Young

Introduced and read first time: February 9, 2018

Assigned to: Rules and Executive Nominations

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Legislative Branch of State Government – Sexual Harassment**

3 FOR the purpose of ~~authorizing any entity to file with the State Ethics Commission a~~
4 ~~written complaint alleging that a regulated lobbyist has sexually harassed a member~~
5 ~~of the General Assembly or a certain employee; authorizing any entity to file with~~
6 ~~the State Ethics Commission a written complaint alleging that a member of the~~
7 ~~General Assembly has sexually harassed a regulated lobbyist; altering the training~~
8 course that the State Ethics Commission is required to provide for regulated
9 lobbyists and prospective regulated lobbyists; requiring the Joint Ethics Committee
10 to provide a certain complaint and notice to the Human Resources Manager for the
11 General Assembly; subjecting the Human Resources Manager to certain
12 confidentiality restrictions for certain information; authorizing the Joint Committee
13 to refer certain complaints to a certain outside and independent investigator;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 requiring the Joint Committee on Legislative Ethics to refer certain complaints to
 2 ~~an~~ a certain outside and independent investigator under certain circumstances;
 3 requiring the investigator to submit its findings and recommendations to the Joint
 4 Committee for certain further proceedings; ~~requiring the Committee to develop a~~
 5 ~~certain code of conduct for the General Assembly~~ requiring the Joint Committee to
 6 advise a certain person of certain findings and recommendations and provide a notice
 7 of the Joint Committee's actions; providing that the Joint Committee may remove a
 8 certain investigator only for good cause; authorizing the Joint Committee to direct a
 9 certain investigator to delay an investigation under certain circumstances;
 10 prohibiting a regulated lobbyist from sexually harassing certain individuals while
 11 engaged in lobbying; requiring the Legislative Policy Committee to review and
 12 update a certain antiharassment policy at a certain frequency; requiring the
 13 Legislative Policy Committee to direct the Human Resources Manager for the
 14 General Assembly to conduct a certain climate survey at a certain frequency;
 15 requiring the Human Resources Manager to analyze the results of a certain survey
 16 and issue a certain report to certain persons; requiring the Joint Committee to
 17 review certain complaints alleging violations of certain antiharassment policies;
 18 requiring the Office of the Executive Director in the Department of Legislative
 19 Services to maintain certain records regarding certain individuals who take sexual
 20 harassment training; requiring the Office to maintain the records for at least a
 21 certain period of time and publish certain records on a certain website; ~~requiring the~~
 22 ~~Commission on Civil Rights to conduct a certain survey of members and employees~~
 23 ~~of the General Assembly on or before certain dates~~; ~~prohibiting the survey from~~
 24 ~~requesting certain information or being conducted in a certain manner~~; ~~requiring the~~
 25 ~~Commission on Civil Rights to submit a certain report to the President of the Senate,~~
 26 ~~the Speaker of the House of Delegates, and the Joint Committee on Legislative~~
 27 ~~Ethics~~; authorizing a regulated lobbyist to report to the State Ethics Commission
 28 that a member of the General Assembly violated a certain antiharrassment policy
 29 and procedures; requiring the State Ethics Commission to refer a certain report to
 30 the Joint Committee; requiring the State Ethics Commission to convene a certain
 31 workgroup to develop recommendations to implement certain provisions of this Act;
 32 requiring the workgroup to make recommendations on certain matters; requiring the
 33 State Ethics Commission to issue certain reports to the Workplace Harassment
 34 Commission on or before certain dates; requiring the Legislative Policy Committee
 35 to update a certain antiharassment policy and consider including certain
 36 recommendations in the updated policy on or before a certain date; making a
 37 technical change; providing for a delayed effective date for certain provisions of this
 38 Act; making a conforming change; and generally relating to sexual harassment in
 39 the Legislative Branch of State government.

40 BY repealing and reenacting, without amendments,
 41 Article – General Provisions
 42 Section 5–101(a), (k), (u), and (hh)
 43 Annotated Code of Maryland
 44 (2014 Volume and 2017 Supplement)

45 BY repealing and reenacting, with amendments,

1 Article – General Provisions
2 Section 5–101(x), 5–205(e)(1)(i), ~~5–401~~ and ~~5–517~~, 5–518, and 5–714(13) and (14)
3 Annotated Code of Maryland
4 (2014 Volume and 2017 Supplement)

5 BY adding to
6 Article – General Provisions
7 Section 5–518.1, 5–714(15), and 5–714.1
8 Annotated Code of Maryland
9 (2014 Volume and 2017 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article – State Government
12 Section 2–401, 2–701, 2–1201, and 2–1211, ~~and 2–101(a) and (b)~~
13 Annotated Code of Maryland
14 (2014 Replacement Volume and 2017 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – State Government
17 Section ~~2–706~~ 2–407(a)(6) and (7), 2–706, and 2–1215
18 Annotated Code of Maryland
19 (2014 Replacement Volume and 2017 Supplement)

20 BY adding to
21 Article – State Government
22 Section ~~2–207.1~~ 2–407(a)(8) and (9) and (c)
23 Annotated Code of Maryland
24 (2014 Replacement Volume and 2017 Supplement)

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

27 **Article – General Provisions**

28 5–101.

29 (a) In this title the following words have the meanings indicated unless:

30 (1) the context clearly requires a different meaning; or

31 (2) a different definition is adopted for a particular provision.

32 (k) “Ethics Commission” means the State Ethics Commission.

33 (u) “Joint Ethics Committee” means the Joint Committee on Legislative Ethics.

1 (x) “Lobbying” means performing any act that requires registration under [§
 2 5-701] § 5-702 of this title.

3 (hh) “Regulated lobbyist” means an entity that is required to register with the
 4 Ethics Commission under § 5-702(a) of this title.

5 ~~5-401.~~

6 ~~(a) (1) Any entity may file with the Ethics Commission a written complaint~~
 7 ~~alleging:~~

8 ~~(i) a violation of this title;~~

9 ~~(ii) THAT A REGULATED LOBBYIST HAS SEXUALLY HARASSED A~~
 10 ~~MEMBER OF THE GENERAL ASSEMBLY OR AN EMPLOYEE OF THE GENERAL~~
 11 ~~ASSEMBLY OR THE DEPARTMENT OF LEGISLATIVE SERVICES; OR~~

12 ~~(iii) THAT A MEMBER OF THE GENERAL ASSEMBLY HAS~~
 13 ~~SEXUALLY HARASSED A REGULATED LOBBYIST.~~

14 ~~(2) A complaint filed under this subsection shall be:~~

15 ~~(i) signed; and~~

16 ~~(ii) made under oath.~~

17 ~~(b) The Ethics Commission on its own motion may issue a complaint alleging a~~
 18 ~~violation of this title.~~

19 ~~(c) The Ethics Commission shall promptly transmit a copy of the complaint to the~~
 20 ~~respondent.~~

21 5-517.

22 (a) Except as provided in [subsection (b)] SUBSECTIONS (B) AND (C) of this
 23 section, any matter before the Joint Ethics Committee, including information relating to
 24 any complaint, proceeding, or record of the Joint Ethics Committee, shall remain
 25 confidential.

26 (b) Public access and inspection of an activity or a record of the Joint Ethics
 27 Committee shall be available for:

28 (1) a disclosure or disclaimer of a conflict of interest form filed with the
 29 Joint Ethics Committee;

1 (2) a portion of a meeting in which a disclosure or disclaimer form is
2 reviewed by the Joint Ethics Committee;

3 (3) information relating to a complaint, proceeding, or record of the Joint
4 Ethics Committee involving a member of the General Assembly if consent to public access
5 and inspection is granted by:

6 (i) the member involved in the matter; or

7 (ii) a three-fourths vote of the full membership of the Joint Ethics
8 Committee, based on criteria established by rule;

9 (4) a rule or broadly applicable opinion issued by the Joint Ethics
10 Committee; or

11 (5) any matter or record that is otherwise available for public access or
12 inspection as specifically authorized under this subtitle.

13 **(C) (1) THE JOINT ETHICS COMMITTEE SHALL PROVIDE A COPY OF A**
14 **COMPLAINT ALLEGING A VIOLATION OF THE ANTIHARASSMENT POLICY AND**
15 **PROCEDURES AND A NOTICE OF THE JOINT ETHICS COMMITTEE'S ACTION TO THE**
16 **HUMAN RESOURCES MANAGER FOR THE GENERAL ASSEMBLY.**

17 **(2) FOR INFORMATION RECEIVED UNDER PARAGRAPH (1) OF THIS**
18 **SUBSECTION, THE HUMAN RESOURCES MANAGER SHALL BE SUBJECT TO THE**
19 **CONFIDENTIALITY RESTRICTIONS OF SUBSECTIONS (A) AND (B) OF THIS SECTION.**

20 5-518.

21 (a) [After] **EXCEPT AS PROVIDED IN § 5-518.1 OF THIS SUBTITLE, AFTER** the
22 filing or preparation of a complaint under § 5-516 of this subtitle, the Joint Ethics
23 Committee shall review the complaint and proceed in accordance with § 5-519 of this
24 subtitle unless, after examining the complaint and the issues raised by it, the Committee
25 finds that further proceedings are not justified because:

26 (1) the complaint is frivolous;

27 (2) the complaint does not allege actions on the part of the accused
28 legislator that provide reason to believe that a violation may have occurred;

29 (3) the matters alleged are not within the jurisdiction of the Joint Ethics
30 Committee;

31 (4) the violations alleged were inadvertent, technical, or minor, or have
32 been cured, and, after consideration of all of the circumstances then known, further
33 proceedings would not serve the purposes of this subtitle; or

1 (5) for other reasons, after consideration of all the circumstances, further
2 proceedings would not serve the purposes of this subtitle.

3 (b) (1) If a finding is made under subsection (a) of this section, the Joint Ethics
4 Committee shall:

5 (i) submit a report of its conclusions to the presiding officer or to the
6 membership of the branch of the legislature of which the accused legislator is a member,
7 and the proceedings shall be terminated;

8 (ii) provide advice or guidance to the accused legislator; or

9 (iii) provide the accused legislator with an opportunity to cure any
10 minor violation of ethical standards.

11 (2) (i) Subject to § 5–517 of this subtitle, notice of the Joint Ethics
12 Committee’s action shall be provided to the accused legislator and to any person who filed
13 the complaint.

14 (ii) On request, the accused legislator may see the complaint and the
15 report.

16 (c) If no finding is made under subsection (a) of this section, the Joint Ethics
17 Committee shall prepare an allegation summary, based on its examination under
18 subsection (a) of this section, setting forth the alleged facts and the issues then known that
19 merit further proceedings.

20 (d) After review of a complaint, the Joint Ethics Committee shall provide a
21 statement of its findings to the accused legislator.

22 **5–518.1.**

23 (A) ~~THE SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE JOINT ETHICS~~
24 ~~COMMITTEE SHALL MAY REFER TO AN OUTSIDE AND INDEPENDENT INVESTIGATOR~~
25 ~~SELECTED BY THE JOINT ETHICS COMMITTEE A COMPLAINT ALLEGING THAT A~~
26 ~~MEMBER OF THE GENERAL ASSEMBLY HAS:~~

27 ~~(1) VIOLATED THE CODE OF CONDUCT DEVELOPED UNDER §~~
28 ~~2-706(A)(8) OF THE STATE GOVERNMENT ARTICLE TO AN OUTSIDE AND~~
29 ~~INDEPENDENT INVESTIGATOR ANTIHARASSMENT POLICY AND PROCEDURES OF THE~~
30 ~~GENERAL ASSEMBLY; OR~~

31 ~~(2) RETALIATED AGAINST AN INDIVIDUAL FOR REPORTING OR~~
32 ~~PARTICIPATING IN THE INVESTIGATION OF A VIOLATION OF THE ANTIHARASSMENT~~
33 ~~POLICY AND PROCEDURES OF THE GENERAL ASSEMBLY.~~

1 **(B) THE JOINT ETHICS COMMITTEE SHALL REFER A COMPLAINT TO AN**
2 **OUTSIDE AND INDEPENDENT INVESTIGATOR IF THE COMPLAINT ALLEGES THAT A**
3 **MEMBER OF THE GENERAL ASSEMBLY HAS:**

4 **(1) (I) VIOLATED THE ANTIHARASSMENT POLICY AND**
5 **PROCEDURES OF THE GENERAL ASSEMBLY; OR**

6 **(II) RETALIATED AGAINST AN INDIVIDUAL FOR REPORTING OR**
7 **PARTICIPATING IN THE INVESTIGATION OF A VIOLATION OF THE ANTIHARASSMENT**
8 **POLICY AND PROCEDURES OF THE GENERAL ASSEMBLY; AND**

9 **(2) (I) THE COMPLAINANT REQUESTS AN OUTSIDE AND**
10 **INDEPENDENT INVESTIGATOR;**

11 **(II) THE COMPLAINT IS THE SECOND OR SUBSEQUENT**
12 **COMPLAINT AGAINST THE SAME MEMBER OF THE GENERAL ASSEMBLY; OR**

13 **(III) THE COMPLAINT ALLEGES AN ACT THAT WOULD VIOLATE**
14 **TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE AND THE COMPLAINANT**
15 **AGREES TO THE REFERRAL TO AN OUTSIDE AND INDEPENDENT INVESTIGATOR.**

16 **(B) (C) IF A COMPLAINT IS REFERRED TO AN OUTSIDE AND INDEPENDENT**
17 **INVESTIGATOR UNDER SUBSECTION (A) OF THIS SECTION, THE THE INVESTIGATOR**
18 **SHALL SUBMIT ITS FINDINGS AND RECOMMENDATIONS REGARDING A COMPLAINT**
19 **REFERRED UNDER SUBSECTION (A) OR (B) OF THIS SECTION TO THE JOINT ETHICS**
20 **COMMITTEE FOR FURTHER PROCEEDINGS IN ACCORDANCE WITH THIS SUBTITLE.**

21 **(D) THE JOINT ETHICS COMMITTEE SHALL ADVISE THE COMPLAINANT OF**
22 **THE FINDINGS AND RECOMMENDATIONS OF THE INVESTIGATOR AND PROVIDE, IN**
23 **ACCORDANCE WITH § 5-518(B)(2) OF THIS SUBTITLE, A NOTICE OF THE JOINT**
24 **ETHICS COMMITTEE'S ACTIONS.**

25 **(E) (1) THE JOINT ETHICS COMMITTEE MAY REMOVE AN OUTSIDE AND**
26 **INDEPENDENT INVESTIGATOR SELECTED UNDER THIS SUBSECTION ONLY FOR GOOD**
27 **CAUSE.**

28 **(2) IF THE JOINT ETHICS COMMITTEE HAS REASONABLE GROUNDS**
29 **TO BELIEVE THAT A COMPLAINT INVOLVES CRIMINAL CONDUCT BY THE**
30 **RESPONDENT, THE JOINT ETHICS COMMITTEE MAY DIRECT AN OUTSIDE AND**
31 **INDEPENDENT INVESTIGATOR TO DELAY AN INVESTIGATION AT THE REQUEST OF A**
32 **PROSECUTING AUTHORITY.**

1 2-401.

2 In this subtitle, "Committee" means the Legislative Policy Committee.

3 2-407.

4 (a) The Committee has the following functions:

5 (6) to prepare or endorse a legislative program that includes the bills,
6 resolutions, or other recommendations of the Committee that are to be presented to the
7 General Assembly at its next session; [and]

8 (7) to carry out its powers and duties under the Maryland Program
9 Evaluation Act;

10 (8) **TO REVIEW AND UPDATE AS NECESSARY THE ANTIHARASSMENT**
11 **POLICY AND PROCEDURES OF THE GENERAL ASSEMBLY AT LEAST EVERY 2 YEARS;**
12 **AND**

13 (9) **TO DIRECT THE HUMAN RESOURCES MANAGER FOR THE**
14 **GENERAL ASSEMBLY TO CONDUCT A CLIMATE SURVEY OF MEMBERS AND**
15 **EMPLOYEES OF THE GENERAL ASSEMBLY RELATED TO DISCRIMINATION AND**
16 **HARASSMENT ISSUES IN THE LEGISLATIVE BRANCH OF STATE GOVERNMENT AT**
17 **LEAST EVERY 4 YEARS.**

18 (C) **THE HUMAN RESOURCES MANAGER FOR THE GENERAL ASSEMBLY**
19 **SHALL ANALYZE THE RESULTS OF A SURVEY REQUIRED UNDER SUBSECTION (A)(9)**
20 **OF THIS SECTION AND ISSUE A REPORT ON THE RESULTS OF THE SURVEY TO THE**
21 **PRESIDENT, THE SPEAKER, AND THE JOINT COMMITTEE ON LEGISLATIVE ETHICS.**

22 2-701.

23 In this subtitle, "Committee" means the Joint Committee on Legislative Ethics.

24 2-706.

25 (a) The Committee shall:

26 (1) perform all duties assigned to it by law or by legislative rules;

27 (2) from time to time, recommend to the presiding officers any changes in
28 or amendments to the rules of legislative ethics;

1 (3) on request of a member of the General Assembly, issue an advisory
 2 opinion regarding the legislative ethics of an action taken or contemplated to be taken by
 3 the member;

4 (4) on its own motion, issue advisory opinions as it deems necessary;

5 (5) at the request of the President or the Speaker, make recommendations
 6 concerning matters referred to the Committee;

7 (6) as it deems necessary, issue guidelines and establish procedures for the
 8 implementation of the rules of legislative ethics; [and]

9 (7) maintain public records as the rules require; AND

10 (8) ~~DEVELOP A CODE OF CONDUCT FOR THE GENERAL ASSEMBLY~~
 11 ~~THAT INCLUDES:~~

12 ~~(I) A CLEAR DEFINITION OF SEXUAL HARASSMENT;~~

13 ~~(II) A CLEAR DEFINITION OF RETALIATION; AND~~

14 ~~(III) A LIST OF ACTIONS THAT WILL BE TAKEN AGAINST AN~~
 15 ~~INDIVIDUAL WHO VIOLATES THE CODE OF CONDUCT~~ REVIEW COMPLAINTS FILED
 16 UNDER § 5-516 OF THE GENERAL PROVISIONS ARTICLE ALLEGING VIOLATIONS OF
 17 THE ANTIHARASSMENT POLICY AND PROCEDURES ADOPTED BY THE LEGISLATIVE
 18 POLICY COMMITTEE THAT GOVERN THE CONDUCT OF MEMBERS OF THE GENERAL
 19 ASSEMBLY.

20 (b) (1) The Committee shall maintain the statements filed by members of the
 21 General Assembly under Title 15, Subtitle 5 of this article and, during normal office hours,
 22 make the statements available to the public for examination and copying.

23 (2) The Committee shall maintain a record of:

24 (i) the name and home address of each individual who examines or
 25 copies a statement filed with the Committee by a member of the General Assembly; and

26 (ii) the name of the member whose statement was examined or
 27 copied.

28 (3) On the request of the member whose statement was examined or
 29 copied, the Committee shall forward to the member a copy of the record maintained by the
 30 Committee under paragraph (2)(i) of this subsection.

- 1 (a) In this subtitle the following words have the meanings indicated.
- 2 (b) "Department" means the Department of Legislative Services.
- 3 (c) "Executive Director" means the Executive Director of the Department.

4 ~~2-1211.~~

5 As used in this Part III, "Office" means the Office of the Executive Director.

6 ~~2-1215.~~

7 (a) The Office shall manage all personnel activities of the Department and
8 generally carry out the duties set forth in § 2-1205 of this subtitle.

9 (b) The Office shall manage the personnel activities of the General Assembly as
10 assigned by the President and the Speaker.

11 (c) (1) **THE OFFICE SHALL MAINTAIN ELECTRONIC RECORDS THAT**
12 **INCLUDE:**

13 (i) **THE NAME OF EACH MEMBER OF THE GENERAL ASSEMBLY,**
14 **EACH EMPLOYEE OF THE GENERAL ASSEMBLY, AND EACH EMPLOYEE OF THE**
15 **DEPARTMENT WHO TAKES WORKPLACE HARASSMENT TRAINING;**

16 (ii) **THE DATE THE WORKPLACE HARASSMENT TRAINING WAS**
17 **COMPLETED; AND**

18 (iii) **THE NAME OF THE PERSON WHO CONDUCTED THE**
19 **TRAINING.**

20 (2) **THE OFFICE SHALL:**

21 (i) **MAINTAIN THE RECORDS REQUIRED UNDER PARAGRAPH (1)**
22 **OF THIS SUBSECTION FOR AT LEAST 5 YEARS AFTER THE MEMBER OR EMPLOYEE**
23 **TAKES WORKPLACE HARASSMENT TRAINING; AND**

24 (ii) **PUBLISH THE RECORDS RELATED TO TRAINING OF**
25 **MEMBERS OF THE GENERAL ASSEMBLY ON THE DEPARTMENT'S WEBSITE.**

26 ~~20-101.~~

27 (a) ~~In Subtitles 1 through 11 of this title the following words have the meanings~~
28 ~~indicated.~~

29 (b) ~~"Commission" means the Commission on Civil Rights.~~

1 ~~20-207.1.~~

2 ~~(A) ON OR BEFORE JUNE 1, 2019, AND ON OR BEFORE JUNE 1 EVERY 2~~
 3 ~~YEARS THEREAFTER, SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE~~
 4 ~~COMMISSION SHALL CONDUCT A SURVEY OF MEMBERS AND EMPLOYEES OF THE~~
 5 ~~GENERAL ASSEMBLY TO DETERMINE:~~

6 ~~(1) THE SCOPE OF DISCRIMINATION AND HARASSMENT IN THE~~
 7 ~~LEGISLATIVE BRANCH OF STATE GOVERNMENT;~~

8 ~~(2) WHETHER DISCRIMINATION AND HARASSMENT PREVENTION AND~~
 9 ~~REFORM EFFORTS ARE REDUCING THE PREVALENCE OF DISCRIMINATION AND~~
 10 ~~HARASSMENT IN THE LEGISLATIVE BRANCH OF STATE GOVERNMENT; AND~~

11 ~~(3) WHETHER THE COMPLAINT AND REPORTING PROCESS~~
 12 ~~REGARDING INSTANCES OF DISCRIMINATION AND HARASSMENT IN THE~~
 13 ~~LEGISLATIVE BRANCH OF STATE GOVERNMENT IS SUFFICIENT.~~

14 ~~(B) THE SURVEY CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION~~
 15 ~~MAY NOT REQUEST ANY INFORMATION OR BE CONDUCTED BY ANY METHOD THAT~~
 16 ~~WOULD MAKE THE RESPONDENT OR THE RESPONDENT'S OFFICE IDENTIFIABLE.~~

17 ~~(C) THE COMMISSION SHALL SUBMIT TO THE PRESIDENT OF THE SENATE,~~
 18 ~~THE SPEAKER OF THE HOUSE OF DELEGATES, AND THE JOINT COMMITTEE ON~~
 19 ~~LEGISLATIVE ETHICS A REPORT THAT SUMMARIZES THE RESULTS OF THE SURVEY~~
 20 ~~CONDUCTED UNDER SUBSECTION (A) OF THIS SECTION.~~

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
 22 as follows:

23 Article – General Provisions

24 5-205.

25 (e) (1) (i) The Ethics Commission shall provide a training course for
 26 regulated lobbyists and prospective regulated lobbyists at least twice each year on the
 27 provisions of the Maryland Public Ethics Law, INCLUDING PROVISIONS RELATED TO
 28 SEXUAL HARASSMENT, relevant to regulated lobbyists.

29 5-714.

30 A regulated lobbyist may not:

31 (13) commit a criminal offense arising from lobbying activity; [or]

1 (14) if serving on the State or a local central committee of a political party,
 2 participate:

3 (i) as an officer of the central committee;

4 (ii) in fund-raising activity on behalf of the political party; or

5 (iii) in actions relating to filling a vacancy in a public office; OR

6 **(15) WHILE ENGAGING IN LOBBYING, SEXUALLY HARASS:**

7 **(I) A MEMBER OF THE GENERAL ASSEMBLY;**

8 **(II) AN EMPLOYEE, AN INTERN, OR A PAGE OF THE GENERAL**
 9 **ASSEMBLY;**

10 **(III) AN EMPLOYEE OF THE DEPARTMENT OF LEGISLATIVE**
 11 **SERVICES;**

12 **(IV) AN OFFICIAL OR EMPLOYEE OF THE EXECUTIVE BRANCH OF**
 13 **STATE GOVERNMENT; OR**

14 **(V) AN INDIVIDUAL REGULATED LOBBYIST.**

15 **5-714.1.**

16 **(A) A REGULATED LOBBYIST MAY REPORT TO THE ETHICS COMMISSION**
 17 **THAT A MEMBER OF THE GENERAL ASSEMBLY VIOLATED THE ANTIHARASSMENT**
 18 **POLICY AND PROCEDURES OF THE GENERAL ASSEMBLY.**

19 **(B) IF A REPORT IS MADE UNDER SUBSECTION (A) OF THIS SECTION, THE**
 20 **ETHICS COMMISSION SHALL REFER THE REPORT TO THE JOINT ETHICS**
 21 **COMMITTEE.**

22 **SECTION 3. AND BE IT FURTHER ENACTED, That:**

23 **(a) The State Ethics Commission shall convene a workgroup to develop**
 24 **recommendations to implement the provisions of this Act that relate to sexual harassment**
 25 **involving regulated lobbyists.**

26 **(b) The workgroup shall include:**

27 **(1) at least two representatives of the Commission on Civil Rights;**

1 (2) at least two representatives of the Maryland Government Relations
2 Association;

3 (3) other individuals with expertise in addressing complaints regarding
4 sexual harassment;

5 (4) the Human Resources Manager for the Maryland General Assembly;

6 (5) a representative of the Maryland Coalition Against Sexual Assault; and

7 (6) other individuals with expertise in the best practices related to sexual
8 harassment prevention training.

9 (c) The workgroup shall make recommendations regarding:

10 (1) a definition of sexual harassment by an individual regulated lobbyist;

11 (2) potential sanctions and resolution options for complaints alleging
12 sexual harassment by an individual regulated lobbyist;

13 (3) the process the Ethics Commission will use to investigate complaints
14 regarding sexual harassment, including partnering with other State agencies and hiring
15 outside investigators;

16 (4) whether to include entities exempt from regulation under § 5-702(b)(1)
17 of the General Provisions Article in statutory provisions related to lobbyists and sexual
18 harassment;

19 (5) any regulatory or statutory changes needed to implement the
20 recommendations of the workgroup and the requirements of this Act; and

21 (6) any additional resources required to implement the requirements of
22 this Act and the recommendations of the workgroup.

23 (d) On or before August 1, 2018, the State Ethics Commission shall issue an
24 interim report on the recommendations of the workgroup to the Workplace Harassment
25 Commission created by the Presiding Officers of the General Assembly in January 2018.

26 (e) On or before October 1, 2018, the State Ethics Commission shall issue a final
27 report on the recommendations of the workgroup to the Workplace Harassment
28 Commission created by the Presiding Officers of the General Assembly in January 2018.

29 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 15,
30 2018, the Legislative Policy Committee shall update the antiharassment policy governing
31 members and employees of the General Assembly and consider including the
32 recommendations of the Women Legislators of Maryland adopted February 7, 2018, in the
33 updated policy.

1 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
2 effect July 1, 2019.

3 SECTION ~~2~~ 6. AND BE IT FURTHER ENACTED, That, except as provided in
4 Section 5 of this Act, this Act shall take effect ~~October~~ July 1, 2018.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.