

BY: Rules and Executive Nominations Committee

AMENDMENTS TO HOUSE BILL 1342

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “authorizing” in line 3 down through “lobbyist;” in line 7 and substitute “altering the training course that the State Ethics Commission is required to provide for regulated lobbyists and prospective regulated lobbyists; requiring the Joint Ethics Committee to provide a certain complaint and notice to the Human Resources Manager for the General Assembly; subjecting the Human Resources Manager to certain confidentiality restrictions for certain information; authorizing the Joint Committee to refer certain complaints to a certain outside and independent investigator;”; in line 8, strike “an” and substitute “a certain”; in line 9, after “investigator” insert “under certain circumstances”; in line 10, after the first “the” insert “Joint”; strike beginning with “requiring” in line 10 down through “Assembly” in line 11 and substitute “requiring the Joint Committee to advise a certain person of certain findings and recommendations and provide a notice of the Joint Committee’s actions; providing that the Joint Committee may remove a certain investigator only for good cause; authorizing the Joint Committee to direct a certain investigator to delay an investigation under certain circumstances; prohibiting a regulated lobbyist from sexually harassing certain individuals while engaged in lobbying; requiring the Legislative Policy Committee to review and update a certain antiharassment policy at a certain frequency; requiring the Legislative Policy Committee to direct the Human Resources Manager for the General Assembly to conduct a certain climate survey at a certain frequency; requiring the Human Resources Manager to analyze the results of a certain survey and issue a certain report to certain persons; requiring the Joint Committee to review certain complaints alleging violations of certain antiharassment policies”; in line 15, after “time” insert “and publish certain records on a certain website”; strike beginning with “requiring” in line 15 down through “Ethics;” in line 20 and substitute “authorizing a regulated lobbyist to report to the State Ethics Commission”

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that a member of the General Assembly violated a certain antiharassment policy and procedures; requiring the State Ethics Commission to refer a certain report to the Joint Committee; requiring the State Ethics Commission to convene a certain workgroup to develop recommendations to implement certain provisions of this Act; requiring the workgroup to make recommendations on certain matters; requiring the State Ethics Commission to issue certain reports to the Workplace Harassment Commission on or before certain dates; requiring the Legislative Policy Committee to update a certain antiharassment policy and consider including certain recommendations in the updated policy on or before a certain date; making a technical change; providing for a delayed effective date for certain provisions of this Act;”;

in line 29, after “Section” insert “5–101(x), 5–205(e)(1)(i),”; in the same line, strike “5–401 and” and substitute “5–517,”; and in the same line, after “5–518” insert “, and 5–714(13) and (14)”.

On page 2, in line 5, after “5–518.1” insert “, 5–714(15), and 5–714.1”; in line 10, after “Section” insert “2–401,”; in the same line, after “2–1201,” insert “and”; in the same line, strike “, and 20–101(a) and (b)”; in line 15, strike “2–706” and substitute “2–407(a)(6) and (7), 2–706,”; and in line 20, strike “20–207.1” and substitute “2–407(a)(8) and (9) and (c)”.

AMENDMENT NO. 2

On page 2, after line 31, insert:

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

On page 3, strike in their entirety lines 1 through 16, inclusive, and substitute:

“5–517.”

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

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

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

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

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

(i) the member involved in the matter; or

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

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

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

(C) (1) THE JOINT ETHICS COMMITTEE SHALL PROVIDE A COPY OF A COMPLAINT ALLEGING A VIOLATION OF THE ANTIHARASSMENT POLICY AND

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PROCEDURES AND A NOTICE OF THE JOINT ETHICS COMMITTEE'S ACTION TO
THE HUMAN RESOURCES MANAGER FOR THE GENERAL ASSEMBLY.

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

AMENDMENT NO. 3

On page 4, in line 23, strike "THE" and substitute "SUBJECT TO SUBSECTION
(B) OF THIS SECTION, THE"; in the same line, strike "SHALL" and substitute "MAY";
in the same line, after "REFER" insert "TO AN OUTSIDE AND INDEPENDENT
INVESTIGATOR SELECTED BY THE JOINT ETHICS COMMITTEE"; in line 24, after
"HAS" insert ":

(1);

strike beginning with "CODE" in line 24 down through "INVESTIGATOR" in line 26 and
substitute "ANTI HARASSMENT POLICY AND PROCEDURES OF THE GENERAL
ASSEMBLY; OR

(2) RETALIATED AGAINST AN INDIVIDUAL FOR REPORTING OR
PARTICIPATING IN THE INVESTIGATION OF A VIOLATION OF THE
ANTI HARASSMENT POLICY AND PROCEDURES OF THE GENERAL ASSEMBLY.

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

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

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

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

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

(III) THE COMPLAINT ALLEGES AN ACT THAT WOULD VIOLATE TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE AND THE COMPLAINANT AGREES TO THE REFERRAL TO AN OUTSIDE AND INDEPENDENT INVESTIGATOR”;

in line 27, strike “(B)” and substitute “(C)”; strike beginning with “If” in line 27 down through “THE” in line 28 and substitute “THE”; in line 29, after “RECOMMENDATIONS” insert “REGARDING A COMPLAINT REFERRED UNDER SUBSECTION (A) OR (B) OF THIS SECTION”; and after line 30, insert:

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

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

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

AMENDMENT NO. 4

On page 4, after line 31, insert:

“2-401.

In this subtitle, “Committee” means the Legislative Policy Committee.

2-407.

(a) The Committee has the following functions:

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

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

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

(9) TO DIRECT THE HUMAN RESOURCES MANAGER FOR THE GENERAL ASSEMBLY TO CONDUCT A CLIMATE SURVEY OF MEMBERS AND

EMPLOYEES OF THE GENERAL ASSEMBLY RELATED TO DISCRIMINATION AND HARASSMENT ISSUES IN THE LEGISLATIVE BRANCH OF STATE GOVERNMENT AT LEAST EVERY 4 YEARS.

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

On page 5, strike beginning with “DEVELOP” in line 16 down through “CONDUCT” in line 21 and substitute “REVIEW COMPLAINTS FILED UNDER § 5-516 OF THE GENERAL PROVISIONS ARTICLE ALLEGING VIOLATIONS OF THE ANTIHARASSMENT POLICY AND PROCEDURES ADOPTED BY THE LEGISLATIVE POLICY COMMITTEE THAT GOVERN THE CONDUCT OF MEMBERS OF THE GENERAL ASSEMBLY”.

On page 6, in line 24, after “SHALL” insert “:

(I)”.

AMENDMENT NO. 5

On page 6, in line 26, after “TRAINING” insert “;AND

(II) PUBLISH THE RECORDS RELATED TO TRAINING OF MEMBERS OF THE GENERAL ASSEMBLY ON THE DEPARTMENT’S WEBSITE”.

AMENDMENT NO. 6

On pages 6 and 7, strike in their entirety the lines beginning with line 27 on page 6 through line 22 on page 7, inclusive, and substitute:

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

Article – General Provisions

5–205.

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

5–714.

A regulated lobbyist may not:

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

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

(i) as an officer of the central committee;

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

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

(15) WHILE ENGAGING IN LOBBYING, SEXUALLY HARASS:

(I) A MEMBER OF THE GENERAL ASSEMBLY;

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

(III) AN EMPLOYEE OF THE DEPARTMENT OF LEGISLATIVE SERVICES;

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

(V) AN INDIVIDUAL REGULATED LOBBYIST.

5-714.1.

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

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

AMENDMENT NO. 7

On page 7, after line 22, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

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

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(b) The workgroup shall include:

- (1) at least two representatives of the Commission on Civil Rights;
- (2) at least two representatives of the Maryland Government Relations Association;
- (3) other individuals with expertise in addressing complaints regarding sexual harassment;
- (4) the Human Resources Manager for the Maryland General Assembly;
- (5) a representative of the Maryland Coalition Against Sexual Assault;
and
- (6) other individuals with expertise in the best practices related to sexual harassment prevention training.

(c) The workgroup shall make recommendations regarding:

- (1) a definition of sexual harassment by an individual regulated lobbyist;
- (2) potential sanctions and resolution options for complaints alleging sexual harassment by an individual regulated lobbyist;
- (3) the process the Ethics Commission will use to investigate complaints regarding sexual harassment, including partnering with other State agencies and hiring outside investigators;

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

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

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

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

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

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

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

in line 23, strike “2.” and substitute “6.”; in the same line, after “That” insert “, except as provided in Section 5 of this Act,”; and in line 24, strike “October” and substitute “July”.