

HOUSE BILL 1342

P5, G2, D5

EMERGENCY BILL
ENROLLED BILL

(8lr2920)

— Rules and Executive Nominations/Rules —

Introduced 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

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Legislative Branch of State Government – Sexual~~ Discrimination and
3 Harassment

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.

Italics indicate opposite chamber/conference committee amendments.



FOR the purpose of ~~authorizing any entity to file with the State Ethics Commission a~~
~~written complaint alleging that a regulated lobbyist has sexually harassed a member~~
~~of the General Assembly or a certain employee; authorizing any entity to file with~~
~~the State Ethics Commission a written complaint alleging that a member of the~~
~~General Assembly has sexually harassed a regulated lobbyist; altering the training~~
~~course that the State Ethics Commission is required to provide for regulated~~
~~lobbyists and prospective regulated lobbyists; prohibiting a certain State official from~~
~~unlawfully harassing or discriminating against certain individuals; requiring the~~
~~Joint Ethics Committee to provide a certain complaint and notice to the Human~~
~~Resources Manager for the General Assembly of the Department of Legislative~~
~~Services; subjecting the Human Resources Manager to certain confidentiality~~
~~restrictions for certain information; authorizing requiring, except under certain~~
~~circumstances, the Joint Committee to refer certain complaints to a certain outside~~
~~and independent investigator; requiring the Joint Committee on Legislative Ethics~~
~~to refer certain complaints to an a certain outside and independent investigator~~
~~under certain circumstances; requiring the investigator to submit its findings and~~
~~recommendations to the Joint Committee for certain further proceedings;~~
~~authorizing the Joint Committee to dismiss a certain complaint under certain~~
~~circumstances; requiring the investigator to investigate a complaint and make~~
~~recommendations under certain circumstances; requiring the Committee to develop~~
~~a certain code of conduct for the General Assembly 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 unlawfully harassing or~~
~~discriminating against certain individuals while engaged in lobbying; requiring the~~
~~Legislative Policy Committee to review and update a certain antiharassment policy~~
~~at a certain frequency and in a certain manner; 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; requiring the Office of the~~
~~Executive Director in the Department of Legislative Services to maintain certain~~
~~records regarding certain individuals who take sexual workplace harassment~~
~~prevention training; requiring the Office to maintain the records for at least a certain~~
~~period of time and publish certain records on a certain website; prohibiting an officer~~
~~or unit of State government from using any part of an appropriation to settle a certain~~
~~claim of unlawful harassment or discrimination; requiring the Commission on Civil~~
~~Rights to conduct a certain survey of members and employees of the General~~
~~Assembly on or before certain dates; prohibiting the survey from requesting certain~~
~~information or being conducted in a certain manner; requiring the Commission on~~
~~Civil Rights to submit a certain report to the President of the Senate, the Speaker of~~
~~the House of Delegates, and the Joint Committee on Legislative Ethics; authorizing~~
~~a regulated lobbyist to report to the State Ethics Commission that a member of the~~
~~General Assembly violated a certain antiharrassment policy and procedures;~~

1 requiring the State Ethics Commission to refer a certain report to the Joint
2 Committee; ~~requiring the State Ethics Commission to convene a certain workgroup~~
3 ~~to develop recommendations to implement certain provisions of this Act; requiring~~
4 ~~the workgroup to make recommendations on certain matters; requiring the State~~
5 ~~Ethics Commission to issue certain reports to the Workplace Harassment~~
6 ~~Commission on or before certain dates; requiring the Legislative Policy Committee~~
7 to update a certain antiharassment policy, *include a certain provision in the updated*
8 *policy, and consider including certain recommendations in the updated policy on or*
9 *before a certain date; prohibiting a current or former member of the Workplace*
10 *Harassment Commission from serving as a certain investigator; making a technical*
11 *change; providing for a delayed effective date for certain provisions of this Act;*
12 *making a conforming change; making this Act an emergency measure; and generally*
13 relating to ~~sexual~~ *discrimination and* harassment in ~~the Legislative Branch of State~~
14 government.

15 BY repealing and reenacting, without amendments,

16 Article – General Provisions

17 Section 5–101(a), (k), (u), and (hh)

18 Annotated Code of Maryland

19 (2014 Volume and 2017 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – General Provisions

22 Section 5–101(x), 5–205(e)(1)(i), ~~5–401 and 5–517, 5–518, and 5–714(13) and (14)~~

23 Annotated Code of Maryland

24 (2014 Volume and 2017 Supplement)

25 BY adding to

26 Article – General Provisions

27 Section 5–508, 5–518.1, 5–714(15), and 5–714.1

28 Annotated Code of Maryland

29 (2014 Volume and 2017 Supplement)

30 BY adding to

31 Article – State Finance and Procurement

32 Section 7–239

33 Annotated Code of Maryland

34 (2015 Replacement Volume and 2017 Supplement)

35 BY repealing and reenacting, without amendments,

36 Article – State Government

37 Section 2–401, 2–701, 2–1201, and 2–1211, and ~~20–101(a) and (b)~~

38 Annotated Code of Maryland

39 (2014 Replacement Volume and 2017 Supplement)

40 BY repealing and reenacting, with amendments,

41 Article – State Government

Section ~~2-706~~ 2-407(a)(6) and (7), 2-706, and 2-1215
Annotated Code of Maryland
(2014 Replacement Volume and 2017 Supplement)

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

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

Article – General Provisions

5-101.

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

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

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

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

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

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

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

~~5-401.~~

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

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

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

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

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

~~(i) signed; and~~

~~(ii) made under oath.~~

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

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

5-508.

(A) THIS SECTION DOES NOT APPLY TO A STATE OFFICIAL OF THE LEGISLATIVE BRANCH OR A STATE OFFICIAL OF THE JUDICIAL BRANCH.

(B) A STATE OFFICIAL MAY NOT, BASED ON ANY CHARACTERISTIC PROTECTED BY LAW, UNLAWFULLY HARASS OR DISCRIMINATE AGAINST:

(1) AN OFFICIAL OR EMPLOYEE;

(2) AN INTERN, A PAGE, OR A FELLOW IN ANY BRANCH OF STATE GOVERNMENT;

(3) AN INDIVIDUAL REGULATED LOBBYIST; OR

(4) A CREDENTIALLED MEMBER OF THE PRESS.

5-517.

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

(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.

5-518.

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

(1) the complaint is frivolous;

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

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

(4) 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 this subtitle; or

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

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

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

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

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

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

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

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

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

5–518.1.

(A) ~~THE SUBJECT TO SUBSECTION (B) OF THIS SECTION~~ UNLESS THE ALLEGED VICTIM OBJECTS, THE JOINT ETHICS COMMITTEE SHALL MAY SHALL REFER A COMPLAINT FOR EVALUATION TO AN OUTSIDE AND INDEPENDENT INVESTIGATOR SELECTED BY THE JOINT ETHICS COMMITTEE A COMPLAINT ALLEGING IF THE COMPLAINT ALLEGES THAT A MEMBER OF THE GENERAL ASSEMBLY HAS:

(1) VIOLATED THE CODE OF CONDUCT DEVELOPED UNDER § 2-706(A)(8) OF THE STATE GOVERNMENT ARTICLE TO AN OUTSIDE AND INDEPENDENT INVESTIGATOR ANTIHARASSMENT 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 ANTIHARASSMENT 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.~~

(B) THE INVESTIGATOR SHALL SUBMIT ITS FINDINGS AND RECOMMENDATIONS REGARDING A COMPLAINT EVALUATED UNDER SUBSECTION (A) OF THIS SECTION TO THE JOINT ETHICS COMMITTEE.

(C) (1) IF THE INVESTIGATOR DOES NOT RECOMMEND DISMISSAL OF THE COMPLAINT AFTER COMPLETING THE EVALUATION, THE INVESTIGATOR SHALL INVESTIGATE THE COMPLAINT.

(2) AFTER THE INVESTIGATOR COMPLETES THE EVALUATION AND AT THE RECOMMENDATION OF THE INVESTIGATOR, THE JOINT ETHICS COMMITTEE MAY DISMISS A COMPLAINT BEFORE THE COMPLETION OF AN INVESTIGATION.

~~(B) (C) (D) IF A COMPLAINT IS REFERRED TO AN OUTSIDE AND INDEPENDENT INVESTIGATOR UNDER SUBSECTION (A) OF THIS SECTION, THE~~ THE INVESTIGATOR SHALL SUBMIT ITS FINDINGS AND RECOMMENDATIONS REGARDING A COMPLAINT REFERRED INVESTIGATED UNDER SUBSECTION (A) OR (B) (C)(1) OF THIS SECTION TO THE JOINT ETHICS COMMITTEE FOR FURTHER PROCEEDINGS IN ACCORDANCE WITH THIS SUBTITLE.

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

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

Article – State Finance and Procurement

7-239.

AN OFFICER OR UNIT OF STATE GOVERNMENT MAY NOT USE ANY PART OF AN APPROPRIATION TO SETTLE A CLAIM OF UNLAWFUL HARASSMENT OR DISCRIMINATION, BASED ON ANY CHARACTERISTIC PROTECTED BY LAW, FILED AGAINST AN OFFICIAL OR EMPLOYEE OF STATE GOVERNMENT IN THE INDIVIDUAL'S PERSONAL CAPACITY.

Article – State Government

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; AND

(8) AT LEAST EVERY 2 YEARS, TO REVIEW AND UPDATE AS NECESSARY THE ANTIHARASSMENT POLICY AND PROCEDURES OF THE GENERAL ASSEMBLY AT LEAST EVERY 2 YEARS; TO CREATE AND MAINTAIN AN ENVIRONMENT IN WHICH ALL

MEMBERS AND EMPLOYEES ARE TREATED WITH RESPECT AND ARE FREE FROM UNLAWFUL DISCRIMINATION AND HARASSMENT. 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.~~

2-701.

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

2-706.

(a) The Committee shall:

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

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

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

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

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

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

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

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

~~(i) A CLEAR DEFINITION OF SEXUAL HARASSMENT;~~

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

~~(III) A LIST OF ACTIONS THAT WILL BE TAKEN AGAINST AN
INDIVIDUAL WHO VIOLATES THE CODE OF CONDUCT 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.~~

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

(2) The Committee shall maintain a record of:

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

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

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

2-1201.

(a) In this subtitle the following words have the meanings indicated.

(b) “Department” means the Department of Legislative Services.

(c) “Executive Director” means the Executive Director of the Department.

2-1211.

As used in this Part III, “Office” means the Office of the Executive Director.

2-1215.

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

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

(C) (1) THE OFFICE SHALL MAINTAIN ELECTRONIC RECORDS THAT INCLUDE:

(I) THE NAME OF EACH MEMBER OF THE GENERAL ASSEMBLY, EACH EMPLOYEE OF THE GENERAL ASSEMBLY, AND EACH EMPLOYEE OF THE DEPARTMENT WHO TAKES WORKPLACE HARASSMENT PREVENTION TRAINING;

(II) THE DATE THE WORKPLACE HARASSMENT PREVENTION TRAINING WAS COMPLETED; AND

(III) THE NAME OF THE PERSON WHO CONDUCTED THE TRAINING.

(2) THE OFFICE SHALL:

(I) MAINTAIN THE RECORDS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR AT LEAST 5 YEARS AFTER THE MEMBER OR EMPLOYEE TAKES WORKPLACE HARASSMENT PREVENTION TRAINING; AND

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

~~20-101.~~

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

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

~~20-207.1.~~

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

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

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

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

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

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

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~~ DISCRIMINATION AND 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~~ UNLAWFULLY HARASS OR DISCRIMINATE, BASED ON ANY CHARACTERISTIC PROTECTED BY LAW:

(I) ~~A MEMBER OF THE GENERAL ASSEMBLY AN OFFICIAL OR EMPLOYEE;~~

~~(II) AN EMPLOYEE, AN INTERN, OR A PAGE OF THE GENERAL ASSEMBLY, OR A FELLOW IN ANY BRANCH OF STATE GOVERNMENT;~~

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

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

~~(v) (III)~~ AN INDIVIDUAL REGULATED LOBBYIST; OR

(IV) A CREDENTIALLED MEMBER OF THE PRESS.

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.

~~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.~~

~~(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;~~

~~(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. 3. AND BE IT FURTHER ENACTED, That, on or before December 15, 2018, the Legislative Policy Committee shall:

(1) update the antiharassment policy governing members and employees of the General Assembly;

(2) include provisions prohibiting harassment of credentialed members of the press in the updated policy; and

(3) consider including the recommendations of the Women Legislators of Maryland adopted February 7, 2018, in the updated policy.

SECTION 4. AND BE IT FURTHER ENACTED, That a current or former member of the Workplace Harassment Commission created by the Presiding Officers of the General

1 Assembly in January 2018 may not serve as an outside and independent investigator
2 selected under Title 5, Subtitle 5 of the General Provisions Article.

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

5 SECTION ~~2~~ 6. AND BE IT FURTHER ENACTED, That, except as provided in
6 Section 5 of this Act, this Act shall take effect October July 1, 2018 is an emergency measure,
7 is necessary for the immediate preservation of the public health or safety, has been passed
8 by a yea and nay vote supported by three-fifths of all the members elected to each of the two
9 Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.