

# HOUSE BILL 142

G2, P5

3lr1075

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By: **Delegate O'Donnell**

Introduced and read first time: January 17, 2013

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Advocating for or Directing an Entity to Hire a Member’s**  
3 **Relative – Prohibited**

4 FOR the purpose of prohibiting a member of the General Assembly from advocating  
5 for or directing that an entity hire the member’s relative or the relative of  
6 another member from the same legislative district under certain circumstances;  
7 defining certain terms; and generally relating to the hiring of a relative of a  
8 member of the General Assembly by certain entities.

9 BY repealing and reenacting, without amendments,  
10 Article – State Government  
11 Section 2–107, 15–102(x), and 15–511(a)  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume and 2012 Supplement)

14 BY adding to  
15 Article – State Government  
16 Section 15–511.1  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2012 Supplement)

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

21 **Article – State Government**

22 2–107.

23 (a) In this section, “relative” means:

24 (1) a spouse;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (2) a parent or stepparent;
- 2 (3) a sibling or step sibling;
- 3 (4) a child, stepchild, foster child, or ward;
- 4 (5) a mother-in-law or father-in-law;
- 5 (6) a son-in-law or daughter-in-law;
- 6 (7) a grandparent; or
- 7 (8) a grandchild.

8 (b) (1) Except as provided in paragraph (2) of this subsection, a member of  
9 the General Assembly may not employ for legislative business the member's own  
10 relative, or the relative of another member from the same legislative district, using  
11 public funds over which the member has direct control.

12 (2) Paragraph (1) of this subsection does not apply to a member of the  
13 General Assembly who:

14 (i) has a physical impairment that necessitates the employment  
15 of a particular relative; and

16 (ii) discloses the employment to the Joint Committee on  
17 Legislative Ethics.

18 15-102.

19 (x) (1) "Lobbying" means performing any act that requires registration  
20 under § 15-701 of this title.

21 (2) With respect to Subtitle 8 of this title, "lobbying" means  
22 performing acts, of a nature comparable to acts requiring registration under Subtitle 7  
23 of this title, before the local government involved.

24 15-511.

25 (a) (1) In this section, "close economic association" means:

- 26 (i) a legislator's:
  - 27 1. employer;
  - 28 2. employee; or

- 1                   3.     partner in a business or professional enterprise;
- 2                   (ii)    a partnership, limited liability partnership, or limited  
3 liability company in which a legislator has invested capital or owns an interest;
- 4                   (iii)  a corporation in which a legislator owns the lesser of:
- 5                   1.     10% or more of the outstanding capital stock; or
- 6                   2.     capital stock with a cumulative value of \$25,000 or  
7 more; and
- 8                   (iv)   a corporation in which the legislator is an officer, director, or  
9 agent.

10                   (2)    “Close economic association” does not mean stock owned directly  
11 through a mutual fund, retirement plan, or other similar commingled investment  
12 vehicle the individual investments of which the legislator does not control or manage.

13 **15-511.1.**

14                   **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
15 **MEANINGS INDICATED.**

16                   **(2) “CLOSE ECONOMIC ASSOCIATION” HAS THE MEANING STATED**  
17 **IN § 15-511 OF THIS SUBTITLE.**

18                   **(3) “RELATIVE” HAS THE MEANING STATED IN § 2-107 OF THIS**  
19 **ARTICLE.**

20                   **(B) A MEMBER OF THE GENERAL ASSEMBLY MAY NOT ADVOCATE FOR**  
21 **OR DIRECT THAT AN ENTITY HIRE THE MEMBER’S OWN RELATIVE, OR THE**  
22 **RELATIVE OF ANOTHER MEMBER FROM THE SAME LEGISLATIVE DISTRICT, IF:**

23                   **(1) THE ENTITY IS ENGAGED IN LOBBYING; OR**

24                   **(2) THE MEMBER HAS A CLOSE ECONOMIC ASSOCIATION WITH**  
25 **THE ENTITY.**

26                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2013.