

HOUSE BILL 1250

G2
HB 1193/13 – ENV

4lr1789

By: **Delegates Hucker, Bobo, and Rosenberg**
Introduced and read first time: February 7, 2014
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics – Lobbying Regulation – Associations Representing Counties or**
3 **Municipal Corporations**

4 FOR the purpose of repealing an exemption from regulation as a regulated lobbyist for
5 appearances as part of the official duties of an officer, a director, a member, or
6 an employee of an association engaged exclusively in representing counties or
7 municipal corporations; and generally relating to ethics and lobbying
8 regulation.

9 BY repealing and reenacting, without amendments,
10 Article – General Provisions
11 Section 5–702(a)
12 Annotated Code of Maryland
13 (As enacted by Chapter ____ (H.B. 270) of the Acts of the General Assembly of
14 2014)

15 BY repealing and reenacting, with amendments,
16 Article – General Provisions
17 Section 5–702(b)
18 Annotated Code of Maryland
19 (As enacted by Chapter ____ (H.B. 270) of the Acts of the General Assembly of
20 2014)

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

23 **Article – General Provisions**

24 5–702.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (a) Unless exempted under subsection (b) of this section, an entity shall
2 register with the Ethics Commission as provided in this subtitle and shall be a
3 regulated lobbyist for the purposes of this title if, during a reporting period, the entity:

4 (1) for the purpose of influencing any legislative action or any
5 executive action relating to the development or adoption of regulations or the
6 development or issuance of an executive order:

7 (i) 1. communicates with an official or employee of the
8 Legislative Branch or Executive Branch in the presence of that official or employee;
9 and

10 2. except for the personal travel or subsistence expenses
11 of the entity or a representative of the entity, incurs expenses of at least \$500 or earns
12 at least \$2,500 as compensation for all such communication and activities relating to
13 the communication during the reporting period; or

14 (ii) 1. communicates with an official or employee of the
15 Legislative Branch or Executive Branch; and

16 2. earns at least \$5,000 as compensation for all such
17 communication and activities relating to the communication during the reporting
18 period;

19 (2) in connection with or for the purpose of influencing any executive
20 action, spends a cumulative value of at least \$100 for gifts, including meals, beverages,
21 and special events, to one or more officials or employees of the Executive Branch;

22 (3) subject to subsection (b)(4) of this section, is compensated to
23 influence executive action on a procurement contract that exceeds \$100,000;

24 (4) subject to subsection (b)(5) of this section, is compensated by a
25 business entity to influence executive action to secure from the State a business grant
26 or loan with a value of more than \$100,000 for the business entity;

27 (5) spends at least \$2,000, including expenditures for salaries,
28 contractual employees, postage, telecommunications services, electronic services,
29 advertising, printing, and delivery services, for the express purpose of soliciting others
30 to communicate with an official to influence legislative action or executive action; or

31 (6) spends at least \$2,500 to provide compensation to one or more
32 entities required to register under this subsection.

33 (b) (1) The following activities are exempt from regulation under this
34 subtitle:

1 (i) an appearance as part of the official duties of an elected or
2 appointed official or employee of the State, a political subdivision of the State, or the
3 United States, to the extent that the appearance is not on behalf of any other entity;

4 (ii) an action of a member of the news media, to the extent that
5 the action is in the ordinary course of gathering and disseminating news or making
6 editorial comment to the general public;

7 (iii) representation of a bona fide religious organization, to the
8 extent that the representation is for the purpose of protecting the right of its members
9 to practice the doctrine of the organization; **OR**

10 (iv) [an appearance as part of the official duties of an officer, a
11 director, a member, or an employee of an association engaged only in representing
12 counties or municipal corporations, to the extent that the appearance is not on behalf
13 of any other entity; or

14 (v)] an action as part of the official duties of a trustee, an
15 administrator, or a faculty member of a nonprofit independent college or university in
16 the State, provided the official duties of the individual do not consist primarily of
17 attempting to influence legislative action or executive action.

18 (2) The following activities are exempt from regulation under this
19 subtitle if the individual engages in no other acts during the reporting period that
20 require registration:

21 (i) professional services in drafting bills or in advising clients
22 on the construction or effect of proposed or pending legislation;

23 (ii) an appearance before the entire General Assembly, or any
24 committee or subcommittee of the General Assembly, at the specific request of the
25 body involved;

26 (iii) an appearance as a witness before a legislative committee at
27 the specific request of a regulated lobbyist if the witness notifies the committee that
28 the witness is testifying at the request of the regulated lobbyist;

29 (iv) an appearance before an executive unit at the specific
30 request of the executive unit involved; or

31 (v) an appearance as a witness before an executive unit at the
32 specific request of a regulated lobbyist if the witness notifies the executive unit that
33 the witness is testifying at the request of the regulated lobbyist.

34 (3) An elementary, secondary, or postsecondary school student or
35 student organization that communicates as part of a course or student activity is not

1 subject to the registration requirements based on the expense threshold under
2 subsection (a)(1)(i) of this section.

3 (4) Subsection (a)(3) of this section does not apply to a bona fide
4 salesperson or commercial selling agency employed or maintained by an employer for
5 the purpose of soliciting or securing a procurement contract unless the person engages
6 in acts during the reporting period that require registration under subsection (a)(1) or
7 (2) of this section.

8 (5) If the person engages in no other act during the reporting period
9 that requires registration, subsection (a)(4) of this section does not apply to:

10 (i) a bona fide full-time official or employee of a business entity
11 seeking to secure a business grant or loan; or

12 (ii) a person seeking to secure a business grant or loan for the
13 purpose of locating, relocating, or expanding a business in or into the State.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2014.