

SENATE BILL 90

G2

4lr0024

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Ethics Commission, State)**

Requested: September 30, 2013

Introduced and read first time: January 8, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 31, 2014

CHAPTER _____

1 AN ACT concerning

2 **Public Ethics – Regulated Lobbyists – Certification to Authorize Lobbying**
3 **and Electronic Filing of Registration**

4 FOR the purpose of requiring a certain regulated lobbyist to certify under oath or
5 affirmation that the regulated lobbyist is authorized to engage in lobbying for a
6 certain entity; providing for the contents of the certification; authorizing a
7 regulated lobbyist registration to be filed electronically; requiring an
8 electronically filed registration to include a certain certification made by an
9 electronic signature; making conforming changes; and generally relating to
10 public ethics and the regulation of lobbyists.

11 ~~BY repealing and reenacting, with amendments,~~
12 ~~Article – State Government~~
13 ~~Section 15-702 and 15-703(e) and (f)(1)~~
14 ~~Annotated Code of Maryland~~
15 ~~(2009 Replacement Volume and 2013 Supplement)~~

16 ~~BY repealing and reenacting, without amendments,~~
17 ~~Article – State Government~~
18 ~~Section 15-703(a)~~
19 ~~Annotated Code of Maryland~~
20 ~~(2009 Replacement Volume and 2013 Supplement)~~

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 ~~BY adding to~~
 2 ~~Article — State Government~~
 3 ~~Section 15-703(g)~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2009 Replacement Volume and 2013 Supplement)~~

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

8 ~~Article — State Government~~

9 ~~15-702.~~

10 ~~(a) [(1) An entity that engages a] A regulated lobbyist ENGAGED BY AN~~
 11 ~~ENTITY for the purpose of lobbying shall [provide a signed authorization for] CERTIFY~~
 12 ~~UNDER OATH OR AFFIRMATION THAT the regulated lobbyist IS AUTHORIZED to~~
 13 ~~[act] ENGAGE IN LOBBYING FOR THE ENTITY.~~

14 ~~[(2) If the entity is a corporation, an authorized officer or agent, other~~
 15 ~~than the regulated lobbyist, shall sign the authorization.]~~

16 ~~(b) The [authorization to act] CERTIFICATION required by subsection (a) of~~
 17 ~~this section shall include:~~

18 ~~(1) the full legal name and business address of the entity [and of the~~
 19 ~~regulated lobbyist];~~

20 ~~(2) THE NAME, CONTACT INFORMATION, AND OFFICIAL TITLE OF~~
 21 ~~THE REPRESENTATIVE OF THE ENTITY WHO AUTHORIZED THE REGULATED~~
 22 ~~LOBBYIST TO ENGAGE IN LOBBYING FOR THE ENTITY;~~

23 ~~(3) THE FULL LEGAL NAME OF THE REGULATED LOBBYIST;~~

24 ~~[(2)] (4) subject to subsequent modification, the period during which~~
 25 ~~the regulated lobbyist is authorized to act; and~~

26 ~~[(3)] (5) the proposal or subject on which the regulated lobbyist~~
 27 ~~represents the entity.~~

28 ~~15-703.~~

29 ~~(a) (1) At the times specified in subsection (d) of this section, each~~
 30 ~~regulated lobbyist shall register with the Ethics Commission on a form provided by the~~
 31 ~~Ethics Commission.~~

~~(2) A regulated lobbyist shall register separately for each entity that has engaged the regulated lobbyist for lobbying purposes.~~

~~(e) If applicable, each registration shall include the [authorization] CERTIFICATION required by § 15-702 of this subtitle.~~

~~(f) (1) Except as provided in paragraph (2) of this subsection, each registration shall terminate on the earlier of:~~

~~(i) the October 31 following the filing of the registration; or~~

~~(ii) an earlier termination date specified in [an authorization] THE CERTIFICATION filed with respect to that registration under § 15-702 of this subtitle.~~

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5-703 and 5-704

Annotated Code of Maryland

(As enacted by Chapter (H.B. 270) of the Acts of the General Assembly of 2014)

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

Article – General Provisions

5-703.

(a) [(1) An entity that engages a] A regulated lobbyist ENGAGED BY AN ENTITY for the purpose of lobbying shall [provide a signed authorization for] CERTIFY UNDER OATH OR AFFIRMATION THAT the regulated lobbyist IS AUTHORIZED to [act] ENGAGE IN LOBBYING FOR THE ENTITY.

[(2) If the entity is a corporation, an authorized officer or agent other than the regulated lobbyist shall sign the authorization.]

(b) The [signed authorization] CERTIFICATION shall include:

(1) the full legal name and business address of the entity [and of the regulated lobbyist];

(2) THE NAME, CONTACT INFORMATION, AND OFFICIAL TITLE OF THE REPRESENTATIVE OF THE ENTITY WHO AUTHORIZED THE REGULATED LOBBYIST TO ENGAGE IN LOBBYING FOR THE ENTITY;

1 **(3) THE FULL LEGAL NAME AND BUSINESS ADDRESS OF THE**
2 **REGULATED LOBBYIST;**

3 ~~[(2)]~~ **(4)** subject to subsequent modification, the period during which
4 the regulated lobbyist is authorized to act; and

5 ~~[(3)]~~ **(5)** the proposal or subject on which the regulated lobbyist
6 represents the entity.

7 5-704.

8 (a) (1) At the times specified in subsection (d) of this section, each
9 regulated lobbyist shall register with the Ethics Commission on a form provided by the
10 Ethics Commission.

11 (2) A regulated lobbyist shall register separately for each entity that
12 has engaged the regulated lobbyist for lobbying purposes.

13 (b) Each registration form shall include the following information, if
14 applicable:

15 (1) the regulated lobbyist's name and permanent address;

16 (2) the name and permanent address of any other regulated lobbyist
17 that will be lobbying on the regulated lobbyist's behalf;

18 (3) the name, address, and nature of business of any entity that has
19 engaged the regulated lobbyist for lobbying purposes, accompanied by a statement
20 indicating whether, because of the filing and reporting of the regulated lobbyist, the
21 compensating entity is exempt under § 5-702(c) of this subtitle; and

22 (4) the identification, by formal designation if known, of the matters
23 on which the regulated lobbyist expects to perform acts, or to engage another
24 regulated lobbyist to perform acts, that require registration under this subtitle.

25 (c) Each registration shall include the [applicable signed authorization, if
26 any,] CERTIFICATION required by § 5-703 of this subtitle.

27 (d) (1) A regulated lobbyist who is not currently registered shall register
28 within 5 days after first performing an act that requires registration under this
29 subtitle.

30 (2) A regulated lobbyist shall file a new registration form on or before
31 November 1 of each year if, on that date, the regulated lobbyist is engaged in lobbying.

32 (e) (1) Each registration form shall be accompanied by a fee of \$100.

1 (2) The fee shall be credited to the Lobbyist Registration Fund
2 established under § 5-210 of this title.

3 (f) (1) Except as provided in paragraph (2) of this subsection, each
4 registration shall terminate on the earlier of:

5 (i) the October 31 following the filing of the registration; or

6 (ii) an earlier termination date specified in [an authorization]
7 THE CERTIFICATION filed with respect to that registration under § 5-703 of this
8 subtitle.

9 (2) A regulated lobbyist may terminate the registration before the date
10 specified in paragraph (1) of this subsection by:

11 (i) ceasing all activity that requires registration; and

12 (ii) after ceasing activity in accordance with item (i) of this
13 paragraph:

14 1. filing a notice of termination with the Ethics
15 Commission; and

16 2. filing all reports required by this subtitle within 30
17 days after the filing of the notice of termination.

18 (3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, if a
19 regulated lobbyist is or becomes subject to regulation under this title as an official or
20 employee, the regulated lobbyist shall immediately terminate the registration in
21 accordance with paragraph (2) of this subsection.

22 (ii) After holding a public hearing, the Ethics Commission shall
23 adopt regulations establishing criteria under which a regulated lobbyist may serve on
24 a State board or commission.

25 (iii) The regulations adopted under subparagraph (ii) of this
26 paragraph shall:

27 1. establish a classification of State boards or
28 commissions on which regulated lobbyists may serve;

29 2. at a minimum authorize a regulated lobbyist to serve
30 as an appointed member of an advisory governmental body of limited duration; and

1 3. as to a regulated lobbyist who serves on a State board
 2 or commission, establish disclosure requirements that are substantially similar to
 3 disclosure requirements for members of the General Assembly.

4 (G) (1) AN INDIVIDUAL MAY FILE A REGISTRATION UNDER THIS
 5 SECTION ELECTRONICALLY AND WITHOUT ADDITIONAL COST TO THE
 6 INDIVIDUAL WHO FILES THE REGISTRATION.

7 (2) A REGISTRATION FILED ELECTRONICALLY UNDER
 8 PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE OATH AND
 9 AFFIRMATION REQUIRED UNDER § 15-702 OF THIS SUBTITLE MADE BY AN
 10 ELECTRONIC SIGNATURE THAT:

11 (I) IS A PART OF THE REGISTRATION FORM OR ATTACHED
 12 TO AND MADE PART OF THE REGISTRATION FORM; AND

13 (II) IS MADE EXPRESSLY UNDER THE PENALTIES FOR
 14 PERJURY.

15 (3) AN OATH OR AFFIRMATION SIGNED ELECTRONICALLY UNDER
 16 PARAGRAPH (2) OF THIS SUBSECTION SUBJECTS THE INDIVIDUAL MAKING THE
 17 OATH OR AFFIRMATION TO THE PENALTIES FOR PERJURY TO THE SAME EXTENT
 18 AS AN OATH OR AFFIRMATION MADE BY AN INDIVIDUAL IN PERSON BEFORE AN
 19 INDIVIDUAL AUTHORIZED TO ADMINISTER OATHS.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.