

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	09/15/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/17/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

19A 07 01 .03 and .04

3. Name of Promulgating Authority

State Ethics Commission

4. Name of Regulations Coordinator

Robert A Hahn

Telephone Number

410-974-2068

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Annapolis MD 21401

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5. Name of Person to Call About this Document

Jennifer Allgair

Telephone No.

410-260-7770

Email Address

jennifer.allgair@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 4/11/14.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Jennifer Allgair, General Counsel, (telephone #410-260-7770) on September 9, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Michael Lord

Title

Executive Director

Telephone No.

410-260-7770

Date

September 9, 2014

Title 19A
A STATE ETHICS COMMISSION

Subtitle 07 LOBBYING

19A.07.01 General

Authority: General Provisions Article, §§5-206 and 5-703, Annotated Code of
Maryland

Notice of Proposed Action

[]

The State Ethics Commission proposes to amend Regulations .03 and .04 under
COMAR 19A.07.01 General.

Statement of Purpose

The purpose of this action is to implement Chapter 19 of the Acts of the General Assembly of 2014 which established a certification requirement for regulated lobbyists that states that they are authorized to lobby on behalf of an entity. The legislation repealed a requirement that a physical authorization form signed by the entity that engages the lobbyist be submitted to complete the registration process. Finally, the legislation authorized completion of the registration requirement electronically.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jennifer Allgair, General Counsel, State Ethics Commission, 45 Calvert Street, 3rd Floor, Annapolis, MD 21401, or call 410-260-7770, or email to jennifer.allgair@maryland.gov, or fax to 410-260-7746. Comments will be accepted through November 17, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 15

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Special Fund: Lobbyist Registration Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The regulations simply allow a regulated lobbyist to complete registration with the Ethics Commission electronically.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The regulations simply allow a regulated lobbyist to complete registration with the Ethics Commission electronically.

G. Small Business Worksheet:

1a. The intended beneficiaries of these regulations include lobbyists registered with the State Ethics Commission and the general public. The beneficiaries do not include households or businesses.

1b. Households are not the intended beneficiaries of these regulations.

1c. Businesses are not the intended beneficiaries of these regulations.

2a. The proposed regulations do not have any indirect impact on businesses and will not require businesses to respond in any fashion that would incur additional work-time costs or monetary costs.

2b. The proposed regulations will not have any benefit or positive impact on businesses.

3. The long-term economic impact effect from these proposed regulations does not differ significantly from the immediate impact.

4. The proposed regulations do not create any economic impact on the cost of providing goods and services; the effect on the work force; the effect on the cost of housing; the efficiency in production and marketing; capital investment, taxation, competition, and economic development or consumer choice.

Attached Document:

Copied 4/11/14 – updated 7/17/14

19A.07.01.03 and 19A.07.01.04

Subtitle 07 LOBBYING

Chapter 01 General

Authority: [State Government] *General Provisions* Article, [§ 15-206 and 15-703] §§ 5-206 and 5-703, Annotated Code of Maryland

.03 Authority to Lobby.

A. [A person that engages a regulated lobbyist for the purpose of lobbying shall provide a signed authorization for the regulated lobbyist to act, which, if the person is a corporation, shall be signed by an authorized officer or agent, other than the regulated lobbyist] *A regulated lobbyist engaged by an entity for the purpose of lobbying shall certify under oath or affirmation that the regulated lobbyist is authorized to engage in lobbying for the entity.*

B. *The certification of authorization to act under §A of this regulation shall include:*

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

(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;

[2)] *(3) The full legal name and business address of the regulated lobbyist;*

[3) With as much specificity as possible, the proposals or subjects on which the regulated lobbyist proposes to act.]

(4) Subject to subsequent modification, the period during which the regulated lobbyist is authorized to act; and

(5) The proposal or subject on which the regulated lobbyist represents the entity.

.04 Registration with Commission.

A. Each regulated lobbyist shall register with the Ethics Commission:

(1) Separately for each employer that has engaged the regulated lobbyist for lobbying purposes; and

(2) On a form *or using the electronic registration system* provided by the Ethics Commission.

B. Each registration [form] shall include, if applicable:

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

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

(3) The name, address, and nature of business of the employer that has engaged the regulated lobbyist for lobbying purposes;

(4) A statement indicating if, because of the filing and reporting of the regulated lobbyist, the compensating entity is exempt from registration under Regulation .01C of this chapter;

(5) The identity of any other person that the regulated lobbyist will represent regarding the matters covered by the registration; and

(6) The specific identification, by issue including bill number, regulation number, State contract, or other matter, if known, of the matters on which the regulated lobbyist expects to perform acts, or to engage another regulated lobbyist to perform acts, that require registration under this chapter.

C. If applicable, each registration shall include the [authorization] *certification* required by Regulation .03 of this chapter.

D. A regulated lobbyist shall register with the Ethics Commission:

(1) Within 5 days after first performing an act that requires registration under this chapter; or

(2) On or before November 1 of each year if the lobbyist has not yet registered and the lobbyist will be engaged in lobbying activity during the upcoming lobbying reporting period.

E. Registration [Form].

(1) Each registration [form] shall be accompanied by a fee in the amount established by [State Government] *General Provisions* Article, §[15] 5-703(e), Annotated Code of Maryland.

(2) The fee shall be credited to the Lobbyist Registration Fund.

F. Termination of Registration.

(1) Each registration shall terminate on the earlier of:

(a) October 31 following the filing of the registration; or

(b) An earlier termination date specified in the lobbyist registration form.

(2) A regulated lobbyist may terminate the registration before the date specified in §F(1) of this regulation by notifying the Ethics Commission that the regulated lobbyist has:

(a) Ceased all activity that requires registration;

(b) Filed a notice of termination with the Ethics Commission; and

(c) Filed all reports required by this subtitle within 30 days after the filing of the notice of termination

G. *Filing a Registration Electronically.*

(1) *An individual may file a registration under this chapter using the electronic registration system provided by the Commission.*

(2) *A registration filed using the electronic registration system provided by the Commission shall include the oath and affirmation:*

*(a) Made by an electronic signature required under Regulation .03A of this chapter; and
(b) Made expressly under the penalties for perjury.*

(3) An oath or affirmation signed electronically under §G(2) of this regulation subjects the individual making the oath or affirmation to the penalties of perjury to the same extent as an oath or affirmation made by an individual in person before an individual authorized to administer oaths.