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**By: Chairman, Commerce and Government Matters Committee (Departmental - Ethics, State Commission on)**

Introduced and read first time: January 17, 1996

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Public Ethics - Lobbyists - Disclosure of Gifts to Officials and Employees**

3 FOR the purpose of requiring disclosure by regulated lobbyists of gifts to officials and  
4 employees over a certain value; establishing a filing date; defining disclosure  
5 requirements; providing for a delayed effective date; and generally relating to  
6 lobbyist disclosure.

7 BY repealing and reenacting, with amendments,  
8 Article - State Government  
9 Section 15-704  
10 Annotated Code of Maryland  
11 (1995 Replacement Volume)

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

14 **Article - State Government**

15 15-704.

16 (a) (1) A regulated lobbyist shall file with the Ethics Commission, under oath  
17 and for each registration, a separate report concerning the regulated lobbyist's lobbying  
18 activities:

19 (i) by May 31 of each year, to cover the period from November 1 of  
20 the previous year through April 30 of the current year; and

21 (ii) by November 30 of each year, to cover the period from May 1  
22 through October 31 of that year.

23 (2) If the regulated lobbyist is not an individual, an authorized officer or  
24 agent of the regulated lobbyist shall sign the report.

25 (3) If a prorated amount is reported as compensation, it shall be labeled as  
26 prorated.

27 (b) A report required by this section shall include:

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1 (1) a complete, current statement of the information required under §  
2 15-703(b) of this subtitle;

3 (2) total expenditures in connection with influencing executive action or  
4 legislative action in each of the following categories:

5 (i) total compensation paid to the regulated lobbyist, excluding:

6 1. expenses reported under this paragraph; and

7 2. salaries, compensation, and reimbursed expenses for the  
8 regulated lobbyist's staff;

9 (ii) unless reported under subparagraph (i) of this paragraph:

10 1. office expenses of the regulated lobbyist; and

11 2. professional and technical research and assistance;

12 (iii) publications that expressly encourage communication with one or  
13 more officials or employees;

14 (iv) witnesses, including the name of each and the fees and expenses  
15 paid to each;

16 (v) meals and beverages for officials, employees, or members of the  
17 immediate families of officials or employees;

18 (vi) special events, including parties, meals, athletic events,  
19 entertainment, or other functions to which were invited all members of:

20 1. the General Assembly;

21 2. either house of the General Assembly; or

22 3. a standing committee of the General Assembly;

23 (vii) 1. food, lodging, and scheduled entertainment of officials and  
24 employees for a meeting, if given in return for participation in a panel or speaking  
25 engagement at the meeting; and

26 2. if more than \$200 of the expenses reported in item 1 of this  
27 subparagraph are for any one official or employee at any meeting, the individual's name  
28 and the amount spent;

29 (viii) other gifts to or for officials, employees, or members of the  
30 immediate families of officials or employees; and

31 (ix) other expenses;

32 (3) as to expenditures reported in paragraph (2)(vi) and (vii) of this  
33 subsection, the date, location, and total expense of the regulated lobbyist for the event or  
34 meeting; and

35 (4) subject to subsection (d) of this section, the name of each official,  
36 employee, or member of the immediate family of an official or employee, to or for whom,

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1 during a reporting period, one or more gifts with a cumulative value of \$75 or more are  
2 given, regardless of whether a gift is attributable to more than one entity and whether or  
3 not in connection with lobbying activities, by the regulated lobbyist or any entity acting on  
4 behalf of the regulated lobbyist, however, except as provided in paragraph (2)(vii) of this  
5 subsection, expenses reported in paragraph (2)(vi) and (vii) of this subsection need not be  
6 allocated to an individual.

7 (c) (1) This subsection applies only to a regulated lobbyist, other than an  
8 individual, that is organized and operated for the primary purpose of attempting to  
9 influence legislative action or executive action.

10 (2) In addition to the other reports required under this section, a regulated  
11 lobbyist subject to this subsection shall report the name and permanent address of each  
12 entity that provided at least 5% of the regulated lobbyist's total receipts during the  
13 preceding 12 months.

14 (3) For the purpose of the reporting and registration requirements of this  
15 subtitle, receipts of a regulated lobbyist subject to this subsection include funds spent on  
16 the regulated lobbyist's behalf, at its direction, or in its name.

17 (d) (1) In addition to any other report required under this section, a regulated  
18 lobbyist shall file, with the report required by subsection (a) of this section, a report  
19 disclosing the name of any member of the General Assembly or member of the immediate  
20 family of a member of the General Assembly who has benefited during the reporting  
21 period from a gift of a ticket or admission to any event for which other persons are  
22 charged a fee exceeding \$15, whether or not in connection with lobbying activities,  
23 allowed under § 15-505(c)(2)(vii) of this title from the regulated lobbyist.

24 (2) The disclosure required by this subsection shall be under oath or  
25 affirmation, on a form issued by the Ethics Commission, and shall include:

26 (i) the name and business address of the regulated lobbyist;

27 (ii) the name of each recipient of a ticket or admission;

28 (iii) the date and value of each gift of a ticket or admission, and the  
29 identity of the entity or entities to which the gift is attributable; and

30 (iv) the total cumulative value of gifts of tickets or admissions,  
31 calculated as to each recipient.

32 (3) The regulated lobbyist may:

33 (i) declare on the form required under paragraph (3) of this  
34 subsection that a gift of a ticket or admission was given for purposes not related to the  
35 regulated lobbyist's lobbying activities; and

36 (ii) explain the circumstances under which the gift was given.

37 (4) Gifts of tickets or admissions reported by a regulated lobbyist under this  
38 subsection need not be counted or reported by the regulated lobbyist for purposes of  
39 disclosure under subsection (b)(4) of this section.

1 (e) (1) (i) Subject to the provisions of subparagraph (ii) of this paragraph, in  
2 addition to any other report required under this section, a regulated lobbyist shall file,  
3 with the report required by subsection (a) of this section, a report disclosing the name of  
4 any State official of the Executive or Legislative Branch or member of the immediate  
5 family of a State official of the Executive or Legislative Branch who has benefited during  
6 the reporting period from gifts of meals or beverages, whether or not in connection with  
7 lobbying activities, allowed under § 15-505(c)(2)(i) of this title from the regulated  
8 lobbyist.

9 (ii) The name of a member of the General Assembly or member of the  
10 immediate family of a member of the General Assembly shall be disclosed under  
11 subparagraph (i) of this paragraph only if the gift of a meal or beverage to the individual  
12 costs \$15 or more.

13 (2) Gifts reported by name of recipient under subsection (b)(2)(vii) of this  
14 section and special events listed under subsection (b)(2)(vi) of this section need not be  
15 allocated for the purposes of disclosure under paragraph (1) of this subsection.

16 (3) The disclosure required by this subsection shall be under oath or  
17 affirmation, on a form issued by the Ethics Commission, and shall include:

18 (i) the name and business address of the regulated lobbyist;

19 (ii) the name of each recipient of a gift of a meal or beverages;

20 (iii) the date and value of each gift of a meal or beverages, and the  
21 identity of the entity or entities to which the gift is attributable; and

22 (iv) the total cumulative value of gifts of meals or beverages, calculated  
23 as to each recipient.

24 (4) The regulated lobbyist may:

25 (i) declare on the form required under paragraph (3) of this  
26 subsection that a gift of a meal or beverages was given for purposes not related to the  
27 regulated lobbyist's lobbying activities; and

28 (ii) explain the circumstances under which the gift of a meal or  
29 beverages was given.

30 (5) Gifts of meals or beverages reported by a regulated lobbyist under this  
31 subsection need not be counted or reported by the regulated lobbyist for purposes of  
32 disclosure under subsection (b)(4) of this section.

33 (F) (1) IN ADDITION TO ANY OTHER REPORT REQUIRED UNDER THIS  
34 SECTION, A REGULATED LOBBYIST SHALL FILE A REPORT IDENTIFYING THE NAME  
35 OF ANY OFFICIALS OR EMPLOYEES WHO HAVE RECEIVED A GIFT OR GIFTS AS OF  
36 DECEMBER 31 EACH YEAR THAT WOULD REQUIRE AN OFFICIAL OR EMPLOYEE TO  
37 BE NAMED ON THE LOBBYING ACTIVITY REPORT DUE BY THE FOLLOWING MAY 31.

38 (2) THE REPORT REQUIRED BY THIS SUBSECTION SHALL BE FILED NO  
39 LATER THAN JANUARY 31 EACH YEAR FOR THE PRECEDING NOVEMBER AND  
40 DECEMBER AND SHALL CONTAIN THE FOLLOWING INFORMATION:

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1 (I) THE NAME AND BUSINESS ADDRESS OF THE REGULATED  
2 LOBBYIST;

3 (II) THE NAME OF EACH RECIPIENT OF A GIFT OR GIFTS;

4 (III) THE DATE, NATURE, AND VALUE OF EACH GIFT AND THE  
5 IDENTITY OF THE ENTITY OR ENTITIES TO WHICH THE GIFT IS ATTRIBUTABLE; AND

6 (IV) THE TOTAL CUMULATIVE VALUE OF THE GIFTS, CALCULATED  
7 AS TO EACH RECIPIENT.

8 (3) THE REPORT REQUIRED UNDER THIS SUBSECTION NEED NOT BE  
9 FILED IF THERE WERE NO GIFTS GIVEN BY THE REGULATED LOBBYIST TO AN  
10 OFFICIAL OR EMPLOYEE THAT MEET THE CRITERIA OF PARAGRAPH (1) OF THIS  
11 SUBSECTION.

12 [(f)] (G) The Ethics Commission may require a regulated lobbyist to file any  
13 additional report the Ethics Commission determines to be necessary.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 November 1, 1996.