
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

Committee Report: Favorable
House action: Adopted
Read second time: February 20, 1996

CHAPTER _____

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 giftsto officials and
4 employees over a certain value; establishing a filing date; definingdisclosure
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 fromMay 1
22 through October 31 of that year.

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

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

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

6 (1) a complete, current statement of the information required under §
7 15-703(b) of this subtitle;

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

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

- 11 1. expenses reported under this paragraph; and
- 12 2. salaries, compensation, and reimbursed expenses for the
13 regulated lobbyist's staff;

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

- 15 1. office expenses of the regulated lobbyist; and
- 16 2. professional and technical research and assistance;

17 (iii) publications that expressly encourage communication with one or
18 more officials or employees;

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

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

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

- 25 1. the General Assembly;
- 26 2. either house of the General Assembly; or
- 27 3. a standing committee of the General Assembly;

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

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

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

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1 (ix) other expenses;

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

5 (4) subject to subsection (d) of this section, the name of each official,
6 employee, or member of the immediate family of an official or employee, to or for whom,
7 during a reporting period, one or more gifts with a cumulative value of \$75 or more are
8 given, regardless of whether a gift is attributable to more than one entity and whether or
9 not in connection with lobbying activities, by the regulated lobbyist or any entity acting on
10 behalf of the regulated lobbyist, however, except as provided in paragraph (2)(vii) of this
11 subsection, expenses reported in paragraph (2)(vi) and (vii) of this subsection need not be
12 allocated to an individual.

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

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

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

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

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

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

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

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

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

38 (3) The regulated lobbyist may:

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

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

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

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

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

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

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

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

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

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

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

31 (4) The regulated lobbyist may:

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

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

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

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

9 (I) THE NAME AND BUSINESS ADDRESS OF THE REGULATED
10 LOBBYIST;

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

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

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

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

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

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