
By: Delegate Curran

Introduced and read first time: January 31, 1996

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics Law - Gifts - Officials**

3 FOR the purpose of providing that the spouse or other personal guest of an official may
4 accept a meal or beverage from certain persons governed by the Maryland Public
5 Ethics Law under certain circumstances; providing that an elected constitutional
6 officer may accept a ticket or free admission to participate in a recreational sporting
7 event, under certain circumstances, from certain persons governed by the Maryland
8 Public Ethics Law; providing that members of the General Assembly need not
9 report as a gift the member's attendance at certain special events that otherwise are
10 reportable by a regulated lobbyist; altering the lobbyist gift reporting requirements
11 regarding certain special events to which a county delegation or select committee of
12 the General Assembly is invited; and generally relating to the acceptance and
13 reporting of certain gifts to certain officials under the Maryland Public Ethics Law.

14 BY repealing and reenacting, with amendments,
15 Article - State Government
16 Section 15-505, 15-607(e), and 15-704(b)
17 Annotated Code of Maryland
18 (1995 Replacement Volume)

19 BY repealing and reenacting, without amendments,
20 Article - State Government
21 Section 15-607(a) and 15-704(a)
22 Annotated Code of Maryland
23 (1995 Replacement Volume)

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

26 **Article - State Government**

27 15-505.

28 (a) (1) An official or employee may not solicit any gift.

2

1 (2) A regulated lobbyist described in subsection (b) (4) of this section may
2 not knowingly make a gift, directly or indirectly, to an official or employee that the
3 regulated lobbyist knows or has reason to know is in violation of this section.

4 (b) Except as provided in subsection (c) of this section, an official or employee
5 may not knowingly accept a gift, directly or indirectly, from an entity that the official or
6 employee knows or has reason to know:

7 (1) does or seeks to do any business of any kind, regardless of amount, with
8 the official's or employee's governmental unit;

9 (2) engages in an activity that is regulated or controlled by the official's or
10 employee's governmental unit;

11 (3) has a financial interest that may be affected substantially and materially,
12 in a manner distinguishable from the public generally, by the performance or
13 nonperformance of the official's or employee's official duties; or

14 (4) is a regulated lobbyist with respect to matters within the jurisdiction of
15 the official or employee.

16 (c) (1) Notwithstanding subsection (b) of this section, an official or employee
17 may accept a gift specified in paragraph (2) of this subsection unless:

18 (i) the gift would tend to impair the impartiality and independent
19 judgment of the official or employee; or

20 (ii) as to a gift of significant value:

21 1. the gift would give the appearance of impairing the
22 impartiality and independent judgment of the official or employee; or

23 2. the official or employee believes or has reason to believe that
24 the gift is designed to impair the impartiality and independent judgment of the official or
25 employee.

26 (2) Subject to paragraph (1) of this subsection, subsection (b) of this section
27 does not apply to:

28 (i) meals or beverages received by the official or employee, AND THE
29 SPOUSE OR OTHER PERSONAL GUEST OF A STATE OFFICIAL, in the presence of the
30 donor or sponsoring entity;

31 (ii) ceremonial gifts or awards of insignificant monetary value;

32 (iii) except for a State official of the Executive or Legislative Branch,
33 unsolicited gifts of nominal value;

34 (iv) as to a State official of the Executive or Legislative Branch,
35 unsolicited gifts, not exceeding \$15 in cost, from a regulated lobbyist;

36 (v) trivial gifts of informational value;

1 (vi) in return for participation on a panel or a speaking engagement at
2 a meeting, reasonable expenses for food, travel, lodging, or scheduled entertainment of
3 the official or employee if the expenses are associated with the meeting, except that, if
4 such expenses for a State official of the Legislative or Executive Branch are to be paid by
5 a regulated lobbyist and are anticipated to exceed \$500, the official shall notify the
6 appropriate advisory body before attending the meeting;

7 (vii) subject to paragraph (3) of this subsection, tickets or free
8 admission extended to an elected constitutional officer, as a courtesy or ceremony to the
9 office, to attend a professional or intercollegiate sporting event, or a charitable, cultural,
10 or political event, OR TO PARTICIPATE IN A RECREATIONAL SPORTING EVENT;

11 (viii) a specific gift or class of gifts exempted from subsection (b) of this
12 section by the Ethics Commission upon a written finding that:

13 1. acceptance of the gift or class of gifts would not be
14 detrimental to the impartial conduct of government; and

15 2. the gift is purely personal and private in nature;

16 (ix) a gift from:

17 1. an individual related to the official or employee by blood or
18 marriage; or

19 2. any other individual who is a member of the household of the
20 official or employee; or

21 (x) to the extent provided in subsection (d) of this section, honoraria.

22 (3) Paragraph (2)(vii) of this subsection may not be construed to restrict the
23 ability of a member of the General Assembly to accept as a gift admission to any event as
24 part of a personal interaction with an individual who is a regulated lobbyist with whom
25 the member socializes, for purposes unrelated to the legislature, if:

26 (i) the purpose of the interaction is not related to previous or
27 subsequent business before the legislature; and

28 (ii) during the interaction, no previous or subsequent business related
29 to the legislature is discussed.

30 (d) (1) Subject to subsection (c)(1) of this section, an official or employee may
31 accept an honorarium if:

32 (i) the honorarium is limited to reasonable expenses for the official's
33 meals, travel, and lodging, and reasonable and verifiable expenses for care of a child or
34 dependent adult, that are actually incurred;

35 (ii) the honorarium consists of gifts described in subsection (c)(2)(ii)
36 through (iv) of this section; or

37 (iii) the official or employee is a faculty member of a State institution
38 of higher education who does not hold another position as an official that precludes
39 receiving the honorarium.

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1 (2) Other than as allowed by paragraph (1) of this subsection, an
2 honorarium may not be accepted, even if permitted by subsection (c)(1) of this section, if:

3 (i) the payor of the honorarium has an interest that may be affected
4 substantially and materially, in a manner distinguishable from the public generally, by the
5 performance or nonperformance of the official's or employee's official duties; and

6 (ii) the offering of the honorarium is related in any way to the official's
7 or employee's official position.

8 (e) By regulation, the Ethics Commission may define further exemptions from this
9 section as may be necessary.

10 15-607.

11 (a) A statement that is required by § 15-601(a) of this subtitle shall contain
12 schedules disclosing the information and interests specified in this section, if known, for
13 the individual making the statement for the applicable period under this subtitle.

14 (e) (1) This subsection does not apply to a gift received from a member of the
15 immediate family, another child, or a parent of the individual.

16 (2) The statement shall include a schedule of each gift, specified in
17 paragraph (3) of this subsection, received during the applicable period:

18 (i) by the individual or by another entity at the direction of the
19 individual; and

20 (ii) directly or indirectly, from or on behalf of an entity that is:

21 1. a regulated lobbyist;

22 2. regulated by the State; or

23 3. otherwise an entity doing business with the State.

24 (3) The schedule shall include:

25 (i) each gift with a value of more than \$25, EXCEPT THAT A MEMBER
26 OF THE GENERAL ASSEMBLY NEED NOT INCLUDE AS A GIFT THE MEMBER'S
27 ATTENDANCE AT A SPECIAL EVENT THAT IS REPORTED BY A REGULATED LOBBYIST
28 UNDER § 15-704(B)(2)(VI) OF THIS TITLE; and

29 (ii) each of two or more gifts with a cumulative value of \$100 or more
30 received from one entity during the applicable period.

31 (4) For each gift subject to this subsection, the schedule shall include:

32 (i) the nature and value of the gift; and

33 (ii) the identity of the entity from which, directly or indirectly, the gift
34 was received.

35 (5) This subsection does not authorize any gift not otherwise allowed by law.

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1 15-704.

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

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

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

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

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

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

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

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

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

- 19 1. expenses reported under this paragraph; and
20 2. salaries, compensation, and reimbursed expenses for the
21 regulated lobbyist's staff;

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

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

25 (iii) publications that expressly encourage communication with one or
26 more officials or employees;

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

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

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

- 33 1. the General Assembly;
34 2. either house of the General Assembly; [or]
35 3. a standing committee of the General Assembly; OR

