
By: Senator Blount

Introduced and read first time: February 19, 1996

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics Law - Lobbying Regulation - Exemption of Independent Colleges and Universities**

3 FOR the purpose of exempting trustees, administrators, faculty members, and other
4 personnel of independent colleges and universities in the State from certain lobbyist
5 regulation provisions under certain circumstances; and generally relating to the
6 regulation of lobbyists.

7 BY repealing and reenacting, with amendments,
8 Article - State Government
9 Section 15-701
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 15-701.

16 (a) Unless exempted under subsection (b) of this section, an entity shall register
17 with the Ethics Commission as provided in this subtitle, and shall be a "regulated
18 lobbyist" for the purposes of this title, if, during a reporting period, the entity:

19 (1) for the purpose of influencing legislative action:

20 (i) communicates with an official or employee of the Legislative
21 Branch or Executive Branch in the presence of that official or employee; and

22 (ii) exclusive of the personal travel or subsistence expenses of the
23 entity or a representative of the entity, incurs expenses of at least \$100 or earns at least
24 \$500 as compensation;

25 (2) in connection with or for the purpose of influencing executive action,
26 spends a cumulative value of at least \$100 for meals, beverages, special events, or gifts on
27 one or more officials or employees of the Executive Branch;

28 (3) is employed to influence executive action on a procurement contract that
29 exceeds \$100,000;

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1 (4) spends at least \$2,000, including postage, for the express purpose of
2 soliciting others to communicate with an official to influence legislative action or
3 executive action; or

4 (5) spends at least \$500 to provide compensation to one or more entities
5 required to register under this subsection.

6 (b) (1) The following activities are exempt from regulation under this subtitle:

7 (i) appearances as part of the official duties of an elected or
8 appointed official or employee of the State, a political subdivision of the State, or the
9 United States, to the extent that the appearance is not on behalf of any other entity;

10 (ii) actions of a member of the news media, to the extent the actions
11 are in the ordinary course of gathering and disseminating news or making editorial
12 comment to the general public;

13 (iii) representation of a bona fide religious organization to the extent
14 the representation is for the purpose of protecting the right of its members to practice the
15 doctrine of the organization; [or]

16 (iv) appearances as part of the official duties of an officer, director,
17 member, or employee of an association engaged exclusively in representing counties or
18 municipal corporations, to the extent that the appearance is not on behalf of any other
19 entity; OR

20 (V) ACTIONS AS PART OF THE OFFICIAL DUTIES OF A TRUSTEE, AN
21 ADMINISTRATOR, A FACULTY MEMBER, OR OTHER PERSONNEL OF AN
22 INDEPENDENT COLLEGE OR UNIVERSITY IN THE STATE.

23 (2) The following activities are exempt from regulation under this subtitle if
24 the individual engages in no other acts during the reporting period that require
25 registration:

26 (i) professional services in drafting bills or in advising clients on the
27 construction or effect of proposed or pending legislation;

28 (ii) appearances before the entire General Assembly, or any
29 committee or subcommittee of the General Assembly, at the specific request of the body
30 involved; or

31 (iii) appearances before a legislative committee at the specific request
32 of a regulated lobbyist, if the witness notifies the committee that the witness is testifying
33 at the request of the regulated lobbyist.

34 (3) Subsection (a)(3) of this section does not apply to a bona fide
35 salesperson or commercial selling agency employed or maintained by an employer for the
36 purpose of soliciting or securing a procurement contract unless the person engages in acts
37 during the reporting period that require registration under subsection (a)(1) or (2) of this
38 section.

39 (c) (1) Except for providing the authorization required by § 15-702 of this
40 subtitle and the report required by § 15-704(c) of this subtitle, an entity that compensates

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1 one or more regulated lobbyists, and that reasonably believes that all expenditures
2 requiring registration will be reported by the regulated lobbyist or lobbyists, is exempt
3 from the registration and reporting requirements of this subtitle if the entity engages in
4 no other act that requires registration.

5 (2) If a regulated lobbyist compensated by an entity that is exempt under
6 paragraph (1) of this subsection fails to report the information required by this subtitle,
7 the entity immediately shall become subject to the registration and reporting
8 requirements of this subtitle.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1996.