

By: Senator Blount

Introduced and read first time: February 19, 1996

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, February 23, 1996

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 1996

CHAPTER ____

1 AN ACT concerning

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

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

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1 (ii) exclusive of the personal travel or subsistence expenses of the
2 entity or a representative of the entity, incurs expenses of at least \$100 or earns at least
3 \$500 as compensation;

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

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

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

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

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

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

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

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

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

28 (V) ACTIONS AS PART OF THE OFFICIAL DUTIES OF A TRUSTEE, AN
29 ADMINISTRATOR, OR A FACULTY MEMBER, ~~OR OTHER PERSONNEL OF AN A~~
30 NONPROFIT INDEPENDENT COLLEGE OR UNIVERSITY IN THE STATE.

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

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

36 (ii) appearances before the entire General Assembly, or any
37 committee or subcommittee of the General Assembly, at the specific request of the body
38 involved; or

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1 (iii) appearances before a legislative committee at the specific request
2 of a regulated lobbyist, if the witness notifies the committee that the witness is testifying
3 at the request of the regulated lobbyist.

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

9 (c) (1) Except for providing the authorization required by § 15-702 of this
10 subtitle and the report required by § 15-704(c) of this subtitle, an entity that compensates
11 one or more regulated lobbyists, and that reasonably believes that all expenditures
12 requiring registration will be reported by the regulated lobbyist or lobbyists, is exempt
13 from the registration and reporting requirements of this subtitle if the entity engages in
14 no other act that requires registration.

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

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