

EMERGENCY BILL

By: Delegates DeCarlo, R. Baker, W. Baker, Baldwin, Barve, Beck, Benson, Bissett, Bobo, Boston, Bozman, Branch, Brinkley, E. Burns, Busch, Cadden, Ciliberti, Clagett, Conroy, Conway, Crumlin, C. Davis, D. Davis, Dembrow, Dewberry, Donoghue, Dypski, Faulkner, Flanagan, Frank, Fry, Fulton, Genn, Getty, Gordon, Greenip, Guns, Hammen, Harkins, Harrison, Hecht, Heller, Holt, Howard, D. Hughes, Hutchins, Jacobs, Kach, Kirk, Kittleman, Klausmeier, Klima, Krysiak, La Vay, Linton, Love, Malone, Mandel, McClenahan, McHale, McIntosh, Minnick, C. Mitchell, Mossburg, D. Murphy, Oaks, O'Donnell, Opara, Owings, Palumbo, Patterson, Perry, Ports, Preis, Redmer, Rosenberg, Rudolph, Rzepkowski, Schade, Shriver, Slade, Snodgrass, Stocksdale, Stull, Stup, Turner, Watson, Weir, Wood, and Taylor

Introduced and read first time: February 14, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Gift Disclosure - Lobbyists**

3 FOR the purpose of providing an exception to the lobbyist gift disclosure requirements as
4 to gifts to certain family members of the regulated lobbyist; specifying certain
5 conditions for this exception; and making this Act an emergency measure.

6 BY repealing and reenacting, with amendments,
7 Article - State Government
8 Section 15-704
9 Annotated Code of Maryland
10 (1995 Replacement Volume and 1996 Supplement)

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

13 **Article - State Government**

14 15-704.

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

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

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

2

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] SUBJECT TO SUBSECTION (F) OF THIS SECTION, A report required by
6 this section shall include:

7 (1) a complete, current statement of the information required under §
8 15-703(b) of this subtitle;

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

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

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

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

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

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

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

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

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

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

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

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

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

3

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 subsections (d) and (e) of this section, the name of each
6 official, employee, or member of the immediate family of an official or employee, to or for
7 whom, during a reporting period, one or more gifts with a cumulative value of \$75 or
8 more are given, regardless of whether a gift is attributable to more than one entity and
9 whether or not in connection with lobbying activities, by the regulated lobbyist or any
10 entity acting on behalf of the regulated lobbyist, however, except as provided in paragraph
11 (2)(vii)2 of this subsection, expenses reported in paragraph (2)(vi) and (vii) of this
12 subsection need not be 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] SUBJECT TO SUBSECTION (F) OF THIS SECTION, IN addition to
24 any other report required under this section, a regulated lobbyist shall file, with the
25 report required by subsection (a) of this section, a report disclosing the name of any
26 member of the General Assembly or member of the immediate family of a member of the
27 General Assembly who has benefited during the reporting period from a gift of a ticket or
28 admission to any event for which other persons are charged a fee exceeding \$15, whether
29 or not in connection with lobbying activities, allowed under § 15-505(c)(2)(vii) of this title
30 from the regulated lobbyist.

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

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

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

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

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

39 (3) The regulated lobbyist may:

4

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

5

1 (F) THIS SECTION DOES NOT REQUIRE THE DISCLOSURE BY A REGULATED
2 LOBBYIST OF ANY GIFT TO THE REGULATED LOBBYIST'S IMMEDIATE FAMILY, IF
3 THE GIFT IS:

4 (1) PURELY PERSONAL AND PRIVATE IN NATURE AND NOT RELATED
5 TO THE REGULATED LOBBYIST'S LOBBYING ACTIVITIES; AND

6 (2) FROM THE REGULATED LOBBYIST'S PERSONAL FUNDS AND NOT
7 ATTRIBUTABLE TO ANY OTHER ENTITY OR ENTITIES.

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

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
11 measure, is necessary for the immediate preservation of the public health and safety, has
12 been passed by a yea and nay vote supported by three-fifths of all the members elected to
13 each of the two Houses of the General Assembly, and shall take effect from the date it is
14 enacted.