

EMERGENCY BILL

G2

7lr2889

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

Committee Report: Favorable

House action: Adopted

Read second time: March 11, 1997

CHAPTER ____

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:

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1 2. either house of the General Assembly; or

2 3. a standing committee of the General Assembly;

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

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

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

11 (ix) other expenses;

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

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

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

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

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

33 (d) (1) [In] SUBJECT TO SUBSECTION (F) OF THIS SECTION, IN addition to
34 any other report required under this section, a regulated lobbyist shall file, with the
35 report required by subsection (a) of this section, a report disclosing the name of any
36 member of the General Assembly or member of the immediate family of a member of the
37 General Assembly who has benefited during the reporting period from a gift of a ticket or
38 admission to any event for which other persons are charged a fee exceeding \$15, whether
39 or not in connection with lobbying activities, allowed under § 15-505(c)(2)(vii) of this title
40 from the regulated lobbyist.

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

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

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

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

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

9 (3) The regulated lobbyist may:

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

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

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

17 (e) (1) (i) Subject to SUBSECTION (F) OF THIS SECTION AND TO the
18 provisions of subparagraph (ii) of this paragraph, in addition to any other report required
19 under this section, a regulated lobbyist shall file, with the report required by subsection
20 (a) of this section, a report disclosing the name of any State official of the Executive or
21 Legislative Branch or member of the immediate family of a State official of the Executive
22 or Legislative Branch who has benefited during the reporting period from gifts of meals
23 or beverages, whether or not in connection with lobbying activities, allowed under §
24 15-505(c)(2)(i) of this title from the regulated lobbyist.

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

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

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

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

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

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

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

3 (4) The regulated lobbyist may:

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

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

9 (5) Gifts of meals or beverages reported by a regulated lobbyist under this
10 subsection need not be counted or reported by the regulated lobbyist for purposes of
11 disclosure under subsection (b)(4) of this section.

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

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

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

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

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