

## EMERGENCY BILL

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**By: Senator Collins**

Introduced and read first time: January 28, 1997

Assigned to: Economic and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

**2 Ethics Law - Officials and Employees and Registered Lobbyists - Personal Relationships**

3 FOR the purpose of authorizing certain officials and certain employees to accept gifts  
4 given by registered lobbyists who are involved in personal relationships of a  
5 romantic nature with the officials or employees if the relationships are disclosed by  
6 the official; requiring certain officials to report certain relationships with registered  
7 lobbyists to the State Ethics Commission; exempting certain gifts received by certain  
8 officials from certain reporting requirements; requiring certain registered lobbyists  
9 to report certain marriages or relationships with certain officials or certain  
10 employees to the State Ethics Commission; making this Act an emergency measure;  
11 and generally relating to the acceptance and reporting of gifts from certain  
12 registered lobbyists to certain officials and certain employees.

13 BY repealing and reenacting, without amendments,  
14 Article - State Government  
15 Section 15-505(a) and (b)  
16 Annotated Code of Maryland  
17 (1995 Replacement Volume and 1996 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - State Government  
20 Section 15-505(c), 15-607(e), and 15-704(b), (d), and (e)  
21 Annotated Code of Maryland  
22 (1995 Replacement Volume and 1996 Supplement)

23 BY adding to  
24 Article - State Government  
25 Section 15-607(k) and 15-704(g)  
26 Annotated Code of Maryland  
27 (1995 Replacement Volume and 1996 Supplement)

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

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1                   **Article - State Government**

2 15-505.

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

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

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

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

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

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

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

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

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

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

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

26   2. the official or employee believes or has reason to believe that  
27 the gift is designed to impair the impartiality and independent judgment of the official or  
28 employee.

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

31                               (i) meals or beverages received by the official or employee in the  
32 presence of the donor or sponsoring entity;

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

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

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

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1 (v) trivial gifts of informational value;

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

8 (vii) subject to paragraph (3) of this subsection, tickets or free  
 9 admission extended to an elected constitutional officer, as a courtesy or ceremony to the  
 10 office, to attend a professional or intercollegiate sporting event, or a charitable, cultural,  
 11 or political event;

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

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

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

17 (ix) a gift from:

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

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

22 (x) A GIFT GIVEN TO AN OFFICIAL OR EMPLOYEE BY A  
 23 REGULATED LOBBYIST WHO IS INVOLVED IN A PERSONAL RELATIONSHIP OF A  
 24 ROMANTIC NATURE WITH THE OFFICIAL OR EMPLOYEE, AND WHICH RELATIONSHIP  
 25 IS DISCLOSED BY THE OFFICIAL UNDER § 15-607(K) OF THIS SUBTITLE AND BY THE  
 26 REGULATED LOBBYIST UNDER § 15-704(G) OF THIS SUBTITLE; OR

27 (XI) to the extent provided in subsection (d) of this section, honoraria.

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

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

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

36 15-607.

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

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

3 (i) by the individual or by another entity at the direction of the  
 4 individual; and

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

6 1. EXCEPT AS PROVIDED IN SUBSECTION (K) OF THIS  
 7 SECTION, a regulated lobbyist;

8 2. regulated by the State; or

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

10 (3) The schedule shall include:

11 (i) each gift with a value of more than \$25; and

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

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

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

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

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

19 (K) IF AN OFFICIAL FILES A STATEMENT TO REPORT THE NAME OF A  
 20 REGULATED LOBBYIST WHO HAS A PERSONAL RELATIONSHIP OF A ROMANTIC  
 21 NATURE WITH THE OFFICIAL, GIFTS RECEIVED BY THE OFFICIAL FROM THE  
 22 REGULATED LOBBYIST ARE NOT REQUIRED TO BE REPORTED UNDER THIS SECTION  
 23 FOR THE DURATION OF THE MARRIAGE OR RELATIONSHIP.

24 15-704.

25 (b) [A] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, A report  
 26 required by this section shall include:

27 (1) a complete, current statement of the information required under §  
 28 15-703(b) of this subtitle;

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

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

32 1. expenses reported under this paragraph; and

33 2. salaries, compensation, and reimbursed expenses for the  
 34 regulated lobbyist's staff;

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

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1. office expenses of the regulated lobbyist; and
  2. professional and technical research and assistance;
  - (iii) publications that expressly encourage communication with one or more officials or employees;
  - (iv) witnesses, including the name of each and the fees and expenses paid to each;
  - (v) meals and beverages for officials, employees, or members of the immediate families of officials or employees;
  - (vi) special events, including parties, meals, athletic events, entertainment, or other functions to which were invited all members of:
    1. the General Assembly;
    2. either house of the General Assembly; or
    3. a standing committee of the General Assembly;
  - (vii)
    1. food, lodging, and scheduled entertainment of officials and employees for a meeting, if given in return for participation in a panel or speaking engagement at the meeting; and
    2. if more than \$200 of the expenses reported in item 1 of this subparagraph are for any one official or employee at any meeting, the individual's name and the amount spent;
  - (viii) other gifts to or for officials, employees, or members of the immediate families of officials or employees; and
  - (ix) other expenses;
- (3) as to expenditures reported in paragraph (2)(vi) and (vii) of this subsection, the date, location, and total expense of the regulated lobbyist for the event or meeting; and
- (4) subject to subsections (d) and (e) of this section, the name of each official, employee, or member of the immediate family of an official or employee, to or for whom, during a reporting period, one or more gifts with a cumulative value of \$75 or more are given, regardless of whether a gift is attributable to more than one entity and whether or not in connection with lobbying activities, by the regulated lobbyist or any entity acting on behalf of the regulated lobbyist, however, except as provided in paragraph (2)(vii)2 of this subsection, expenses reported in paragraph (2)(vi) and (vii) of this subsection need not be allocated to an individual.
- (d) (1) [In] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION, AND IN addition to any other report required under this section, a regulated lobbyist shall file, with the report required by subsection (a) of this section, a report disclosing the name of any member of the General Assembly or member of the immediate family of a member of the General Assembly who has benefited during the reporting period from a gift of a ticket or admission to any event for which other persons are charged a fee

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1 exceeding \$15, whether or not in connection with lobbying activities, allowed under §  
2 15-505(c)(2)(vii) of this title from the regulated lobbyist.

3 (2) The disclosure required by this subsection shall be under oath or  
4 affirmation, on a form issued by the Ethics Commission, and EXCEPT AS PROVIDED IN  
5 SUBSECTION (G) OF THIS SECTION, shall include:

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

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

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

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

12 (3) The regulated lobbyist may:

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

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

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

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

29 (ii) [The] EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS  
30 SECTION, THE name of a member of the General Assembly or member of the immediate  
31 family of a member of the General Assembly shall be disclosed under subparagraph (i) of  
32 this paragraph only if the gift of a meal or beverage to the individual costs \$15 or more.

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

36 (3) The disclosure required by this subsection shall be under oath or  
37 affirmation, on a form issued by the Ethics Commission, and EXCEPT AS PROVIDED IN  
38 SUBSECTION (G) OF THIS SECTION, shall include:

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

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- 1 (ii) the name of each recipient of a gift of a meal or beverages;
- 2 (iii) the date and value of each gift of a meal or beverages, and the
- 3 identity of the entity or entities to which the gift is attributable; and
- 4 (iv) the total cumulative value of gifts of meals or beverages, calculated
- 5 as to each recipient.

6 (4) The regulated lobbyist may:

7 (i) declare on the form required under paragraph (3) of this

8 subsection that a gift of a meal or beverages was given for purposes not related to the

9 regulated lobbyist's lobbying activities; and

10 (ii) explain the circumstances under which the gift of a meal or

11 beverages was given.

12 (5) Gifts of meals or beverages reported by a regulated lobbyist under this

13 subsection need not be counted or reported by the regulated lobbyist for purposes of

14 disclosure under subsection (b)(4) of this section.

15 (G) IF A REGULATED LOBBYIST WHO IS MARRIED TO AN OFFICIAL OR

16 EMPLOYEE OR WHO HAS A PERSONAL RELATIONSHIP OF A ROMANTIC NATURE

17 WITH AN OFFICIAL OR EMPLOYEE DISCLOSES THAT FACT FOR THE DURATION OF

18 THE MARRIAGE OR RELATIONSHIP ON THE FORMS REQUIRED UNDER SUBSECTIONS

19 (B), (D), AND (E) OF THIS SECTION, GIFTS RECEIVED BY THE OFFICIAL OR EMPLOYEE

20 FROM THE REGULATED LOBBYIST ARE NOT REQUIRED TO BE REPORTED UNDER

21 THIS SECTION FOR THE DURATION OF THE MARRIAGE OR RELATIONSHIP.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency

23 measure, is necessary for the immediate preservation of the public health and safety, has

24 been passed by a yea and nay vote supported by three-fifths of all the members elected to

25 each of the two Houses of the General Assembly, and shall take effect from the date it is

26 enacted.