

EMERGENCY BILL

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71r0227

By: Senator Collins

Introduced and read first time: January 28, 1997

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 1997

CHAPTER ____

1 AN ACT concerning

2 ~~Ethics Law—Officials and Employees and Registered Lobbyists—Personal Relationships~~

3 Ethics Law Gift Disclosure - Lobbyists

4 FOR the purpose of ~~authorizing certain officials and certain employees to accept gifts~~
5 ~~given by registered lobbyists who are involved in personal relationships of a~~
6 ~~romantic nature with the officials or employees if the relationships are disclosed by~~
7 ~~the official; requiring certain officials to report certain relationships with registered~~
8 ~~lobbyists to the State Ethics Commission; exempting certain gifts received by certain~~
9 ~~officials from certain reporting requirements; requiring certain registered lobbyists~~
10 ~~to report certain marriages or relationships with certain officials or certain~~
11 ~~employees to the State Ethics Commission; making this Act an emergency measure;~~
12 ~~and generally relating to the acceptance and reporting of gifts from certain~~
13 ~~registered lobbyists to certain officials and certain employees providing an exception~~
14 ~~to the lobbyist gift disclosure requirements as to gifts to certain family members of~~
15 ~~the regulated lobbyist; specifying certain conditions for this exception; and making~~
16 ~~this Act an emergency measure.~~

17 ~~BY repealing and reenacting, without amendments,~~

18 ~~Article—State Government~~

19 ~~Section 15-505(a) and (b)~~

20 ~~Annotated Code of Maryland~~

21 ~~(1995 Replacement Volume and 1996 Supplement)~~

22 BY repealing and reenacting, with amendments,

23 ~~Article - State Government~~

24 ~~Section 15-505(e), 15-607(e), and 15-704(b), (d), and (e)~~

25 ~~Section 15-704~~

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1 Annotated Code of Maryland
2 (1995 Replacement Volume and 1996 Supplement)

3 ~~BY adding to~~
4 ~~Article—State Government~~
5 ~~Section 15-607(k) and 15-704(g)~~
6 ~~Annotated Code of Maryland~~
7 ~~(1995 Replacement Volume and 1996 Supplement)~~

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

10 **Article - State Government**

11 ~~45-505.~~

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

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

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

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

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

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

26 ~~(4) is a regulated lobbyist with respect to matters within the jurisdiction of~~
27 ~~the official or employee.~~

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

30 ~~(i) the gift would tend to impair the impartiality and independent~~
31 ~~judgment of the official or employee; or~~

32 ~~(ii) as to a gift of significant value:~~

33 ~~1. the gift would give the appearance of impairing the~~
34 ~~impartiality and independent judgment of the official or employee; or~~

35 ~~2. the official or employee believes or has reason to believe that~~
36 ~~the gift is designed to impair the impartiality and independent judgment of the official or~~
37 ~~employee.~~

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

3 ~~(i) meals or beverages received by the official or employee in the~~
4 ~~presence of the donor or sponsoring entity;~~

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

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

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

10 ~~(v) trivial gifts of informational value;~~

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

17 ~~(vii) subject to paragraph (3) of this subsection, tickets or free~~
18 ~~admission extended to an elected constitutional officer, as a courtesy or ceremony to the~~
19 ~~office, to attend a professional or intercollegiate sporting event, or a charitable, cultural,~~
20 ~~or political event;~~

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

23 ~~1. acceptance of the gift or class of gifts would not be~~
24 ~~detrimental to the impartial conduct of government; and~~

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

26 ~~(ix) a gift from:~~

27 ~~1. an individual related to the official or employee by blood or~~
28 ~~marriage; or~~

29 ~~2. any other individual who is a member of the household of the~~
30 ~~official or employee; [or]~~

31 ~~(x) A GIFT GIVEN TO AN OFFICIAL OR EMPLOYEE BY A~~
32 ~~REGULATED LOBBYIST WHO IS INVOLVED IN A PERSONAL RELATIONSHIP OF A~~
33 ~~ROMANTIC NATURE WITH THE OFFICIAL OR EMPLOYEE, AND WHICH RELATIONSHIP~~
34 ~~IS DISCLOSED BY THE OFFICIAL UNDER § 15-607(K) OF THIS SUBTITLE AND BY THE~~
35 ~~REGULATED LOBBYIST UNDER § 15-704(G) OF THIS SUBTITLE; OR~~

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

37 ~~(3) Paragraph (2)(vii) of this subsection may not be construed to restrict the~~
38 ~~ability of a member of the General Assembly to accept as a gift admission to any event as~~

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1 ~~part of a personal interaction with an individual who is a regulated lobbyist with whom~~
2 ~~the member socializes, for purposes unrelated to the legislature, if:~~

3 ~~(i) the purpose of the interaction is not related to previous or~~
4 ~~subsequent business before the legislature; and~~

5 ~~(ii) during the interaction, no previous or subsequent business related~~
6 ~~to the legislature is discussed.~~

7 ~~15-607.~~

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

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

12 ~~(i) by the individual or by another entity at the direction of the~~
13 ~~individual; and~~

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

15 ~~1. EXCEPT AS PROVIDED IN SUBSECTION (K) OF THIS~~
16 ~~SECTION, a regulated lobbyist;~~

17 ~~2. regulated by the State; or~~

18 ~~3. otherwise an entity doing business with the State.~~

19 ~~(3) The schedule shall include:~~

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

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

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

24 ~~(i) the nature and value of the gift; and~~

25 ~~(ii) the identity of the entity from which, directly or indirectly, the gift~~
26 ~~was received.~~

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

28 ~~(K) IF AN OFFICIAL FILES A STATEMENT TO REPORT THE NAME OF A~~
29 ~~REGULATED LOBBYIST WHO HAS A PERSONAL RELATIONSHIP OF A ROMANTIC~~
30 ~~NATURE WITH THE OFFICIAL, GIFTS RECEIVED BY THE OFFICIAL FROM THE~~
31 ~~REGULATED LOBBYIST ARE NOT REQUIRED TO BE REPORTED UNDER THIS SECTION~~
32 ~~FOR THE DURATION OF THE MARRIAGE OR RELATIONSHIP.~~

33 ~~15-704.~~

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

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

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

5 (2) If the regulated lobbyist is not an individual, an authorized officer or
6 agent of the regulated lobbyist shall sign the report.

7 (3) If a prorated amount is reported as compensation, it shall be labeled as
8 prorated.

9 (b) [A] ~~EXCEPT AS PROVIDED IN SUBSECTION (G)~~ SUBJECT TO SUBSECTION
10 (E) OF THIS SECTION, A report required by this section shall include:

11 (1) a complete, current statement of the information required under §
12 15-703(b) of this subtitle;

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

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

- 16 1. expenses reported under this paragraph; and
17 2. salaries, compensation, and reimbursed expenses for the
18 regulated lobbyist's staff;

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

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

22 (iii) publications that expressly encourage communication with one or
23 more officials or employees;

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

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

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

- 30 1. the General Assembly;
31 2. either house of the General Assembly; or
32 3. a standing committee of the General Assembly;

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

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

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

5 (3) The regulated lobbyist may:

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

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

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

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

22 (ii) ~~{The} EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS~~
23 ~~SECTION, THE~~ name of a member of the General Assembly or member of the immediate
24 family of a member of the General Assembly shall be disclosed under subparagraph (i) of
25 this paragraph only if the gift of a meal or beverage to the individual costs \$15 or more.

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

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

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

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

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

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

38 (4) The regulated lobbyist may:

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

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

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

9 ~~(G) IF A REGULATED LOBBYIST WHO IS MARRIED TO AN OFFICIAL OR
10 EMPLOYEE OR WHO HAS A PERSONAL RELATIONSHIP OF A ROMANTIC NATURE
11 WITH AN OFFICIAL OR EMPLOYEE DISCLOSES THAT FACT FOR THE DURATION OF
12 THE MARRIAGE OR RELATIONSHIP ON THE FORMS REQUIRED UNDER SUBSECTIONS
13 (B), (D), AND (E) OF THIS SECTION, GIFTS RECEIVED BY THE OFFICIAL OR EMPLOYEE
14 FROM THE REGULATED LOBBYIST ARE NOT REQUIRED TO BE REPORTED UNDER
15 THIS SECTION FOR THE DURATION OF THE MARRIAGE OR RELATIONSHIP.~~

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

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

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

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

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