

HOUSE BILL 1
EMERGENCY BILL -- SECOND PRINTING

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1999 Regular Session
9lr0237
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(PRE-FILED)

By: **The Speaker and Delegates Hurson, Kittleman, and Montague (Special Study Commission on the Maryland Public Ethics Law) and Delegates Arnick, Busch, Dewberry, Doory, Guns, Harrison, Hixson, Howard, Kopp, Menes, Owings, Rawlings, Rosenberg, Vallario, and Wood**

Requested: August 4, 1998

Introduced and read first time: January 13, 1999

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics Law - Reform of Legislative Ethics Process**

3 FOR the purpose of altering provisions of the Maryland Public Ethics Law relating to
4 members of the General Assembly and, under certain circumstances, to other
5 officials and employees of the State; altering provisions of law relating to the
6 employment of relatives of members of the General Assembly; stating a certain
7 requirement as to the use of public resources by members of the General
8 Assembly; authorizing the Joint Committee on Legislative Ethics to adopt
9 certain Rules of Legislative Ethics; providing for the appointment of a Counsel
10 to the Joint Committee; specifying the duties of the Counsel; altering certain
11 employment restrictions relating to members of the General Assembly; altering
12 certain provisions relating to the solicitation, acceptance, and reporting of gifts
13 under the Maryland Public Ethics Law; including members of the General
14 Assembly under a provision prohibiting certain use of the prestige of office;
15 altering provisions relating to the presumption of a conflict of interests;
16 prohibiting a member of the General Assembly from participating in certain
17 legislative action under certain circumstances; requiring the disclosure of
18 certain information by members of the General Assembly under certain
19 circumstances; requiring the Joint Committee to make certain information and
20 documents publicly available on the Internet; requiring the Joint Committee
21 and the State Ethics Commission to develop certain procedures for the electronic
22 filing of certain documents; altering procedures under which the Joint
23 Committee issues advisory opinions; altering procedures for the investigation of
24 complaints concerning the ethical conduct of members of the General Assembly;
25 altering the deadline for members of the General Assembly to file annual
26 financial disclosure statements; requiring the filing by a member of the General
27 Assembly of a duplicate financial disclosure statement with the Joint
28 Committee; providing for access to financial disclosure statements filed with the
29 Joint Committee; providing for the application of this Act; making this Act an
30 emergency measure; and generally relating to the Maryland Public Ethics Law.

31 BY renumbering

1 Article - State Government
2 Section 15-102(w) through (ll), respectively
3 to be Section 15-102(x) through (mm), respectively
4 Annotated Code of Maryland
5 (1995 Replacement Volume and 1998 Supplement)

6 BY adding to
7 Article - State Government
8 Section 2-107, 2-108, 2-709, 15-102(w), 15-514, 15-515, 15-516, 15-519,
9 15-520, and 15-521
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1998 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - State Government
14 Section 2-703, 2-707, 15-504, 15-505, 15-506, 15-511, 15-512, 15-513,
15 15-517, 15-518, 15-602, 15-606, 15-607, and 15-704(b), (e), (f), and (g)
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1998 Supplement)

18 BY repealing
19 Article - State Government
20 Section 15-514, 15-515, 15-516, 15-519, 15-520, 15-521, 15-522, and
21 15-704(d)
22 Annotated Code of Maryland
23 (1995 Replacement Volume and 1998 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That Section(s) 15-102(w) through (ll), respectively, of Article - State
26 Government of the Annotated Code of Maryland be renumbered to be Section(s)
27 15-102(x) through (mm), respectively.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
29 read as follows:

30 **Article - State Government**

31 2-107. GENERAL ASSEMBLY - EMPLOYMENT OF RELATIVES.

32 (A) IN THIS SECTION, "RELATIVE" MEANS:

- 33 (1) A SPOUSE;
- 34 (2) A PARENT OR STEPPARENT;
- 35 (3) A SIBLING OR STEP SIBLING;

- 1 (4) A CHILD, STEPCHILD, FOSTER CHILD, OR WARD;
2 (5) A MOTHER-IN-LAW OR FATHER-IN-LAW;
3 (6) A SON-IN-LAW OR DAUGHTER-IN-LAW;
4 (7) A GRANDPARENT; OR
5 (8) A GRANDCHILD.

6 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
7 MEMBER OF THE GENERAL ASSEMBLY MAY NOT EMPLOY FOR LEGISLATIVE
8 BUSINESS THE MEMBER'S OWN RELATIVE, OR THE RELATIVE OF ANOTHER MEMBER,
9 USING FUNDS OVER WHICH THE MEMBER HAS DIRECT CONTROL.

10 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO A
11 MEMBER OF THE GENERAL ASSEMBLY WHO:

12 (I) HAS A PHYSICAL IMPAIRMENT THAT NECESSITATES THE
13 EMPLOYMENT OF A PARTICULAR RELATIVE; AND

14 (II) DISCLOSES THE EMPLOYMENT TO THE JOINT COMMITTEE ON
15 LEGISLATIVE ETHICS.

16 2-108. USE OF PUBLIC FUNDS BY LEGISLATORS.

17 PUBLIC RESOURCES MAY BE USED BY MEMBERS OF THE GENERAL ASSEMBLY
18 ONLY FOR PUBLIC PURPOSES.

19 2-703. Membership.

20 (a) (1) The Committee consists of the following 12 REGULAR members:

21 [(i) from the Senate:

22 1. the President ex officio; and

23 2. 5 other senators appointed by the President; and]

24 (I) SIX SENATORS APPOINTED BY THE PRESIDENT; AND

25 [(ii) from the House:

26 1. the Speaker ex officio; and

27 2. 5 other delegates appointed by the Speaker.]

28 (II) SIX DELEGATES APPOINTED BY THE SPEAKER.

29 (2) (I) [At least 1 member from the Senate and 1 member from the
30 House shall be from the party of the Minority Leader.] THE SENATORS APPOINTED

1 BY THE PRESIDENT SHALL BE CHOSEN SO THAT EACH POLITICAL PARTY IS
2 REPRESENTED IN APPROXIMATELY THE SAME PROPORTION AS THE PARTY IS
3 REPRESENTED IN THE SENATE. MINORITY PARTY MEMBERS SHALL BE APPOINTED
4 UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE.

5 (II) THE DELEGATES APPOINTED BY THE SPEAKER SHALL BE
6 CHOSEN SO THAT EACH POLITICAL PARTY IS REPRESENTED IN APPROXIMATELY THE
7 SAME PROPORTION AS THE PARTY IS REPRESENTED IN THE HOUSE. MINORITY
8 PARTY MEMBERS SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE
9 MINORITY LEADER OF THE HOUSE.

10 (b) (1) A member appointed by the President serves at the pleasure of the
11 President.

12 (2) A member appointed by the Speaker serves at the pleasure of the
13 Speaker.

14 (C) THE PRESIDENT AND THE SPEAKER SHALL BE NONVOTING EX OFFICIO
15 MEMBERS OF THE COMMITTEE.

16 2-707. Rules.

17 [(a) Proposed amendments to the rules of legislative ethics shall be presented
18 by a joint resolution and become effective after adoption of the resolution by
19 constitutional majority of each house voting separately.]

20 (A) (1) THE COMMITTEE MAY ADOPT RULES OF LEGISLATIVE ETHICS.

21 (2) RULES MAY BE ADOPTED, MODIFIED, AMENDED, OR REPEALED
22 ONLY:

23 (I) AFTER A PUBLIC HEARING, WHICH MAY BE WAIVED BY THE
24 COMMITTEE IF THE INTEREST OF JUSTICE SO REQUIRES; AND

25 (II) BY A VOTE OF A MAJORITY OF THE COMMITTEE.

26 (b) (1) The rules may supplement but may not be inconsistent with the
27 provisions of the Maryland Public Ethics Law that relate to members of the General
28 Assembly.

29 (2) A RULE ADOPTED UNDER THIS SECTION SHALL BE VOID IF
30 REJECTED BY A SIMPLE RESOLUTION OF EITHER THE HOUSE OR SENATE.

31 (c) The rules are effective whether or not the General Assembly is in session
32 AND SHALL BE BINDING ON EACH MEMBER OF THE GENERAL ASSEMBLY.

33 2-709. COUNSEL TO THE ETHICS COMMITTEE.

34 (A) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE
35 SERVICES, SUBJECT TO THE APPROVAL OF THE PRESIDENT AND SPEAKER, SHALL
36 APPOINT AN ATTORNEY TO SERVE AS COUNSEL TO THE COMMITTEE.

1 (B) THE COUNSEL:

2 (1) SHALL DEVOTE FULL TIME TO THE DUTIES OF THE COMMITTEE;

3 (2) MAY PROVIDE INFORMATION TO ANY PERSON REGARDING LAWS,
4 RULES, AND OTHER STANDARDS OF ETHICAL CONDUCT APPLICABLE TO MEMBERS
5 OF THE GENERAL ASSEMBLY;

6 (3) SHALL CARRY OUT ANY DUTIES PRESCRIBED UNDER TITLE 15,
7 SUBTITLE 5 OF THIS ARTICLE;

8 (4) SHALL MEET INDIVIDUALLY WITH EACH MEMBER OF THE GENERAL
9 ASSEMBLY EACH YEAR TO:

10 (I) ADVISE THE MEMBER REGARDING THE REQUIREMENTS OF
11 ANY APPLICABLE ETHICS LAW, RULE, OR STANDARD OF CONDUCT; AND

12 (II) ASSIST THE MEMBER IN PREPARING STATEMENTS AND
13 REPORTS REQUIRED TO BE FILED WITH THE COMMITTEE UNDER TITLE 15, SUBTITLE
14 5, PART II OF THIS ARTICLE; AND

15 (5) SHALL CONDUCT SEMINARS, WORKSHOPS, AND BRIEFINGS FOR THE
16 BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, AS DIRECTED BY THE
17 COMMITTEE, THE PRESIDENT, OR THE SPEAKER.

18 (C) THE ASSISTANCE OF THE COUNSEL TO MEMBERS OF THE GENERAL
19 ASSEMBLY:

20 (1) IS SUBJECT TO CONFIDENTIALITY UNDER § 15-516 OF THIS ARTICLE;
21 AND

22 (2) IS INTENDED AS A SERVICE TO THE MEMBERS AND MAY NOT BE
23 DEEMED TO DIMINISH A MEMBER'S PERSONAL RESPONSIBILITY FOR ADHERENCE TO
24 APPLICABLE LAWS, RULES, AND STANDARDS OF ETHICAL CONDUCT.

25 (D) THE COMMITTEE SHALL HAVE OTHER STAFF ASSISTANCE AS REQUESTED
26 BY THE COMMITTEE AND AS PROVIDED IN THE BUDGET OF THE GENERAL ASSEMBLY.
27 15-102. Definitions.

28 (W) "LEGISLATIVE UNIT" MEANS:

29 (1) THE GENERAL ASSEMBLY;

30 (2) EITHER HOUSE OF THE GENERAL ASSEMBLY;

31 (3) A STANDING COMMITTEE OF THE GENERAL ASSEMBLY, PROVIDED
32 THAT THE PRESIDING OFFICER OF THE HOUSE OF DELEGATES OR SENATE SHALL BE
33 DEEMED AN EX OFFICIO MEMBER OF ANY STANDING COMMITTEE OF THE PRESIDING
34 OFFICER'S CHAMBER; OR

1 (4) A COUNTY OR REGIONAL DELEGATION OF MEMBERS OF THE
2 GENERAL ASSEMBLY THAT IS RECOGNIZED BY A PRESIDING OFFICER OF THE
3 GENERAL ASSEMBLY.

4 15-504. Employment restriction - Representation or assistance.

5 (a) (1) THIS SUBSECTION DOES NOT APPLY TO MEMBERS OF THE GENERAL
6 ASSEMBLY.

7 (2) Except as provided in paragraph [(2)] (3) of this subsection, an
8 official or employee may not, for contingent compensation, assist or represent a party
9 in any matter before or involving any unit of the State or a political subdivision OF
10 THE STATE.

11 [(2)] (3) Paragraph [(1)] (2) of this subsection does not apply to
12 assistance to or representation of a party:

13 (i) in a judicial or quasi-judicial proceeding, INCLUDING A
14 PROCEEDING BEFORE AN ADMINISTRATIVE LAW JUDGE IN THE OFFICE OF
15 ADMINISTRATIVE HEARINGS; or

16 (ii) in a matter before or involving the Workers' Compensation
17 Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries
18 Compensation Board.

19 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
20 MEMBER OF THE GENERAL ASSEMBLY MAY NOT, FOR COMPENSATION, ASSIST OR
21 REPRESENT A PARTY IN ANY MATTER BEFORE OR INVOLVING ANY UNIT OF THE
22 STATE OR A POLITICAL SUBDIVISION OF THE STATE.

23 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO
24 ASSISTANCE TO OR REPRESENTATION OF A PARTY:

25 (I) IN MATTERS RELATING TO THE PERFORMANCE OF
26 MINISTERIAL ACTS BY A GOVERNMENTAL UNIT;

27 (II) IN A JUDICIAL OR QUASI-JUDICIAL PROCEEDING, INCLUDING A
28 PROCEEDING BEFORE AN ADMINISTRATIVE LAW JUDGE IN THE OFFICE OF
29 ADMINISTRATIVE HEARINGS;

30 (III) IN A MATTER BEFORE OR INVOLVING THE WORKERS'
31 COMPENSATION COMMISSION, THE MARYLAND AUTOMOBILE INSURANCE FUND, OR
32 THE CRIMINAL INJURIES COMPENSATION BOARD; OR

33 (IV) IN A MATTER IN WHICH THE ASSISTANCE OR
34 REPRESENTATION, OTHER THAN FOR CONTINGENT COMPENSATION, WAS
35 COMMENCED BY THE MEMBER OF THE GENERAL ASSEMBLY BEFORE:

1 1. THE MEMBER FILED A CERTIFICATE OF CANDIDACY FOR
2 ELECTION TO THE GENERAL ASSEMBLY AT A TIME WHEN THE MEMBER WAS NOT AN
3 INCUMBENT; OR

4 2. IF THE MEMBER WAS APPOINTED TO FILL A VACANCY,
5 THE DATE OF APPOINTMENT.

6 (C) (1) A MEMBER OF THE GENERAL ASSEMBLY MAY NOT ASSIST OR
7 REPRESENT A PERSON, INCLUDING HIMSELF OR HERSELF, FOR COMPENSATION
8 BEFORE A STATE OR LOCAL GOVERNMENTAL AGENCY IN ANY MATTER INVOLVING:

9 (I) PROCUREMENT; OR

10 (II) THE ADOPTION OF REGULATIONS.

11 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO AN
12 ADMINISTRATIVE PROCEEDING CONDUCTED IN ACCORDANCE WITH TITLE 10,
13 SUBTITLE 2 (ADMINISTRATIVE PROCEDURE ACT -- CONTESTED CASES) OF THIS
14 ARTICLE.

15 [(b)] (D) (1) Except for a former member of the General Assembly, who shall
16 be subject to the restrictions provided under paragraph (2) of this subsection, a former
17 official or employee may not assist or represent a party, other than the State, in a
18 case, contract, or other specific matter for compensation if:

19 (i) the matter involves State government; and

20 (ii) the former official or employee participated significantly in the
21 matter as an official or employee.

22 (2) (i) Except as provided in subparagraph (ii) of this paragraph, until
23 the conclusion of the next regular session that begins after the member leaves office,
24 a former member of the General Assembly may not assist or represent another party
25 for compensation in a matter that is the subject of legislative action.

26 (ii) The limitation under subparagraph (i) of this paragraph on
27 representation by a former member of the General Assembly does not apply to the
28 former member's representation of a municipal corporation, county, or State
29 governmental entity.

30 [(c)] (E) Notwithstanding subsection (a)[(2)] (3) of this section or § 15-502 of
31 this subtitle, a full-time official or employee in the Judicial Branch may not represent
32 a party before a court or unit of the Judicial Branch except in the discharge of official
33 duties.

34 15-505. Solicitation or acceptance of gifts or honoraria.

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

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

4 (3) AN OFFICIAL MAY NOT DIRECTLY SOLICIT OR FACILITATE THE
5 SOLICITATION OF A GIFT, ON BEHALF OF ANOTHER PERSON, FROM A PERSON
6 REQUIRED TO BE REGULATED UNDER § 15-701 OF THIS ARTICLE.

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
9 or employee knows or has reason to know:

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

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

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

17 (4) is a regulated lobbyist with respect to matters within the jurisdiction
18 of 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
27 that the gift is designed to impair the impartiality and independent judgment of the
28 official or employee.

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

31 (i) 1. EXCEPT FOR OFFICIALS OF THE LEGISLATIVE BRANCH,
32 meals or beverages received AND CONSUMED by the official or employee in the
33 presence of the donor or sponsoring entity;

34 2. FOR OFFICIALS OF THE LEGISLATIVE BRANCH, FOOD OR
35 BEVERAGES RECEIVED AND CONSUMED BY THE OFFICIAL OR EMPLOYEE IN THE

1 PRESENCE OF THE DONOR OR SPONSORING ENTITY AS PART OF A RECEPTION TO
2 WHICH WERE INVITED ALL MEMBERS OF A LEGISLATIVE UNIT;

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

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

6 (iv) as to a State official of the Executive or Legislative Branch,
7 unsolicited gifts[, not exceeding] THAT ARE NOT MEALS OR ALCOHOLIC BEVERAGES
8 AND THAT DO NOT EXCEED [\$15] \$20 in cost, from a regulated lobbyist;

9 (v) trivial gifts of informational value;

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

17 (vii) [subject to paragraph (3) of this subsection,] tickets or free
18 admission extended to an elected constitutional officer FROM THE PERSON
19 SPONSORING OR CONDUCTING THE EVENT, as a courtesy or ceremony to the office, to
20 attend a professional or intercollegiate sporting event, or a charitable, cultural, or
21 political event;

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

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

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

27 (ix) a gift from:

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

30 2. any other individual who is a member of the household of
31 the official or employee; or

32 (x) to the extent provided in subsection (d) of this section,
33 honoraria.

34 [(3) Paragraph (2)(vii) of this subsection may not be construed to restrict
35 the ability of a member of the General Assembly to accept as a gift admission to any

1 event as part of a personal interaction with an individual who is a regulated lobbyist
2 with whom 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
6 related to the legislature is discussed.]

7 (d) (1) EXCEPT AS PROVIDED IN SUBSECTION (C)(2)(VI) OF THIS SECTION, A
8 STATE OFFICIAL OF THE LEGISLATIVE BRANCH MAY NOT ACCEPT AN HONORARIUM.

9 (2) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS
10 SUBSECTION AND SUBJECT to subsection (c)(1) of this section, an official or employee
11 may accept an honorarium if:

12 (i) the honorarium is limited to reasonable expenses for the
13 official's meals, travel, and lodging, and reasonable and verifiable expenses for care of
14 a child or dependent adult, that are actually incurred;

15 (ii) the honorarium consists of gifts described in subsection (c)(2)(ii)
16 through (iv) of this section; or

17 (iii) the official or employee is a faculty member of a State
18 institution of higher education who does not hold another position as an official that
19 precludes receiving the honorarium.

20 [(2)] (3) Other than as allowed by paragraph [(1)] (2) of this subsection,
21 an honorarium may not be accepted, even if permitted by subsection (c)(1) of this
22 section, if:

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

27 (ii) the offering of the honorarium is related in any way to the
28 official's or employee's official position.

29 (e) By regulation, the Ethics Commission may define further exemptions from
30 this section as may be necessary.

31 15-506. Use of prestige of office.

32 (a) A MEMBER OF THE GENERAL ASSEMBLY, A public official [or], OR AN
33 employee may not intentionally use the prestige of office or public position for that
34 [public] official's or employee's private gain or that of another.

35 (b) The performance of usual and customary constituent services, without
36 additional compensation, is not prohibited under subsection (a) of this section.

1 15-511. Disqualification - Presumption of conflict.

2 (A) (1) IN THIS SECTION, "CLOSE ECONOMIC ASSOCIATION" INCLUDES:

3 (I) A LEGISLATOR'S:

4 1. EMPLOYER;

5 2. EMPLOYEE; OR

6 3. PARTNER IN A BUSINESS OR PROFESSIONAL ENTERPRISE;

7 (II) A PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR
8 LIMITED LIABILITY COMPANY IN WHICH A LEGISLATOR HAS INVESTED CAPITAL OR
9 OWNS AN INTEREST;

10 (III) A CORPORATION IN WHICH A LEGISLATOR OWNS THE LESSER
11 OF:

12 1. 10% OR MORE OF THE OUTSTANDING CAPITAL STOCK; OR

13 2. CAPITAL STOCK WITH A CUMULATIVE VALUE OF \$25,000
14 OR MORE; AND

15 (IV) A CORPORATION IN WHICH THE LEGISLATOR IS AN OFFICER,
16 DIRECTOR, OR AGENT.

17 (2) "CLOSE ECONOMIC ASSOCIATION" DOES NOT INCLUDE STOCK
18 OWNED DIRECTLY THROUGH A MUTUAL FUND, RETIREMENT PLAN, OR OTHER
19 SIMILAR COMMINGLED INVESTMENT VEHICLE THE INDIVIDUAL INVESTMENTS OF
20 WHICH THE LEGISLATOR DOES NOT CONTROL OR MANAGE.

21 [(a)] (B) (1) [A personal] AN interest of a member of the General Assembly
22 conflicts with the public interest if [it] THE LEGISLATOR'S INTEREST tends to impair
23 the legislator's independence of judgment.

24 (2) The conflict disqualifies the legislator from [voting upon any
25 question or attempting to influence any legislation to which it relates]
26 PARTICIPATING IN ANY LEGISLATIVE ACTION, OR OTHERWISE ATTEMPTING TO
27 INFLUENCE ANY LEGISLATION, TO WHICH THE CONFLICT RELATES.

28 [(b)] (C) It is presumed that [personal interest tends to impair a legislator's
29 independence of judgment] AN INTEREST DISQUALIFIES A LEGISLATOR FROM
30 PARTICIPATING IN LEGISLATIVE ACTION in any of the following circumstances:

31 (1) having or acquiring a direct interest[, distinct from that of the
32 general public,] in an enterprise which would be affected by the legislator's vote on
33 proposed legislation, UNLESS THE INTEREST IS COMMON TO ALL MEMBERS OF:

34 (I) A PROFESSION OR OCCUPATION OF WHICH THE LEGISLATOR IS
35 A MEMBER; OR

1 (II) THE GENERAL PUBLIC OR A LARGE CLASS OF THE GENERAL
2 PUBLIC[.];

3 (2) benefiting financially from a close economic association with a person
4 whom the legislator knows, or from the facts is presumed to know, has a direct
5 interest in an enterprise or interest which would be affected by the legislator's [vote
6 on proposed legislation] PARTICIPATION IN LEGISLATIVE ACTION, differently from
7 other like enterprises or interests; [or]

8 (3) benefiting financially from a close economic association with a person
9 who is lobbying [or who has employed a lobbyist to propose legislation or to influence
10 legislator's votes] FOR THE PURPOSE OF INFLUENCING LEGISLATIVE ACTION.
11 ["Close economic association" includes and refers to the legislator's employer,
12 employees, and partners in business and professional enterprises; partnerships,
13 limited liability partnerships, or limited liability companies in which the legislator
14 has invested capital or owns any interest; corporations in which the legislator owns
15 (not including any stock owned directly through a mutual fund, retirement plan, or
16 other similar commingled investment vehicle the individual investments of which the
17 legislator does not control or manage) the lesser of 10 percent or more of the
18 outstanding capital stock or capital stock of any corporation with a cumulative value
19 of \$10,000 or more; and corporations in which the legislator is an officer, director, or
20 agent.]; OR

21 [(3)] (4) soliciting, accepting, or agreeing to accept [any gift, loan, or
22 payment of a significant value] A LOAN from a person who would be affected by or
23 has an interest in an enterprise which would be affected by the legislator's [vote on
24 proposed legislation] PARTICIPATION IN LEGISLATIVE ACTION.

25 15-512. Suspension of disqualification.

26 (a) (1) THE DISQUALIFICATION ARISING UNDER § 15-511 OF THIS SUBTITLE
27 MAY NOT BE SUSPENDED IF THE CONFLICT IS DIRECT AND PERSONAL TO:

28 (I) THE LEGISLATOR;

29 (II) A MEMBER OF THE LEGISLATOR'S IMMEDIATE FAMILY; OR

30 (III) THE LEGISLATOR'S EMPLOYER.

31 (2) [The] AS TO ANY OTHER CONFLICT, THE disqualification arising
32 under § 15-511 of this subtitle is suspended if a legislator with an apparent OR
33 PRESUMED conflict files with the Joint Ethics Committee a sworn statement [which]
34 THAT describes the circumstances of the apparent OR PRESUMED conflict and the
35 legislation OR CLASS OF LEGISLATION to which it relates and asserts the legislator is
36 able to vote and otherwise participate in [legislative] action relating [thereto] TO
37 THE LEGISLATION, fairly, objectively, and in the public interest.

38 (B) (1) Whenever a legislator files a statement for the suspension of the
39 disqualification, the Joint Ethics Committee on its own motion may issue a statement

1 concerning the propriety of the legislator's participation in the particular legislative
2 action, with reference to the applicable ethical standards of this matter.

3 [(b)] (2) The suspension of the disqualification by the filing of the statement
4 is subject to further action by the Joint Ethics Committee if the question of conflict
5 comes before it as to the same circumstances and the same legislator.

6 (C) A MEMBER WHO IS DISQUALIFIED FROM PARTICIPATING IN LEGISLATIVE
7 ACTION UNDER SUBSECTION (A)(1) OF THIS SECTION, OR WHO CHOOSES TO BE
8 EXCUSED FROM PARTICIPATING IN LEGISLATIVE ACTION ON A BILL OR CLASS OF
9 BILLS BECAUSE OF THE APPEARANCE OR PRESUMPTION OF A CONFLICT, SHALL FILE
10 IN A TIMELY MANNER A STATEMENT WITH THE JOINT ETHICS COMMITTEE THAT
11 DESCRIBES THE CIRCUMSTANCES OF THE APPARENT OR PRESUMED CONFLICT.

12 [(c)] (D) (1) All [sworn] statements filed under this section shall be a
13 matter of public record.

14 (2) THE JOINT ETHICS COMMITTEE SHALL DEVELOP PROCEDURES
15 UNDER WHICH A STATEMENT FILED UNDER THIS SECTION MAY BE FILED
16 ELECTRONICALLY WITHOUT ANY ADDITIONAL COST TO THE LEGISLATOR.

17 (3) THE JOINT ETHICS COMMITTEE SHALL MAKE AVAILABLE AS A
18 PUBLICLY AVAILABLE INTERNET DOCUMENT EACH STATEMENT FILED UNDER THIS
19 SECTION.

20 15-513. Relationships with nonlegislative agencies.

21 [(a)] (1) Subject to the provisions of subsection (b) of this section, a legislator
22 may not represent a person for compensation before a State agency in any matter
23 involving:

24 (i) procurement; or

25 (ii) the adoption of regulations.

26 (2) Paragraph (1) of this subsection does not apply to an administrative
27 proceeding conducted in accordance with Title 10, Subtitle 2 (Administrative
28 Procedure Act -- Contested Cases) of this article.]

29 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OR (3) OF THIS SUBSECTION,
30 A MEMBER OF THE GENERAL ASSEMBLY, A FILED CANDIDATE FOR ELECTION TO THE
31 GENERAL ASSEMBLY, OR A MEMBER-ELECT OF THE GENERAL ASSEMBLY MAY NOT
32 RECEIVE EARNED INCOME FROM:

33 (I) AN EXECUTIVE UNIT; OR

34 (II) A POLITICAL SUBDIVISION OF THE STATE.

1 (2) THE JOINT ETHICS COMMITTEE MAY EXEMPT AN INDIVIDUAL FROM
2 THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION IF THE EARNED INCOME IS
3 FOR:

4 (I) EDUCATIONAL INSTRUCTION PROVIDED BY THE MEMBER,
5 CANDIDATE, OR MEMBER-ELECT; OR

6 (II) A CAREER PROMOTION, CHANGE, OR PROGRESSION THAT IS A
7 LOGICAL TRANSITION FROM A PRE-EXISTING RELATIONSHIP AS DESCRIBED IN
8 PARAGRAPH (3)(II) OF THIS SUBSECTION.

9 (3) THIS SUBSECTION DOES NOT APPLY TO COMPENSATION TO A
10 MEMBER, CANDIDATE, OR MEMBER-ELECT PURSUANT TO:

11 (I) EMPLOYMENT AS A NONELECTED LAW ENFORCEMENT
12 OFFICER OR A FIRE OR RESCUE SQUAD WORKER; OR

13 (II) A TRANSACTION OR RELATIONSHIP THAT EXISTED PRIOR TO:

14 1. THE FILING OF A CERTIFICATE OF CANDIDACY FOR
15 ELECTION TO THE GENERAL ASSEMBLY AT A TIME WHEN THE INDIVIDUAL WAS NOT
16 AN INCUMBENT MEMBER OF THE GENERAL ASSEMBLY; OR

17 2. IN THE CASE OF A MEMBER WHO WAS APPOINTED TO FILL
18 A VACANCY, THE DATE OF THE APPOINTMENT.

19 (b) A legislator [who enters into any of the listed transactions] shall report
20 THE FOLLOWING INFORMATION in writing to the Joint Ethics Committee [and the
21 presiding officer of his branch of the legislature for recordation with the Clerk of the
22 House of Delegates or Secretary of the Senate,] at the times and in the manner
23 required by the Joint Ethics Committee:

24 (1) [unless the representation is prohibited under subsection (a) of this
25 section,] if representing a person for compensation before a State OR LOCAL
26 GOVERNMENT agency, except in a judicial proceeding or in a quasi-judicial
27 proceeding, the name of the person represented, the services performed, and the
28 consideration. The Joint Ethics Committee may adopt procedures to keep confidential
29 the name of the person represented if that information is privileged or confidential
30 pursuant to any provision of law governing proceedings before that State agency.

31 (2) if representing a State OR LOCAL GOVERNMENT agency for
32 compensation, the name of the agency, the services performed, and the consideration.

33 (3) the name of any business enterprise subject to regulation by a State
34 agency in which the legislator and a member of the legislator's immediate family
35 (spouse and children living with the legislator), together or separately, have:

36 (i) the lesser of:

1 (b) Either presiding officer may refer any question of propriety relating to the
2 use of expense funds governed by duly adopted guidelines to the Joint Ethics
3 Committee for recommendation.]

4 15-514. JOINT ETHICS COMMITTEE - WRITTEN OPINIONS.

5 (A) (1) A LEGISLATOR MAY REQUEST A WRITTEN OPINION FROM THE JOINT
6 ETHICS COMMITTEE WITH RESPECT TO THE PROPRIETY OF ANY CURRENT OR
7 PROPOSED CONDUCT OF THE LEGISLATOR AND INVOLVING THE APPLICABLE
8 STANDARDS OF ETHICAL CONDUCT FOR LEGISLATORS ESTABLISHED BY LAW, RULE,
9 OR OTHER STANDARD OF ETHICAL CONDUCT.

10 (2) A REQUEST FOR AN OPINION SHALL:

11 (I) BE IN WRITING AND SIGNED BY THE LEGISLATOR;

12 (II) BE ADDRESSED TO THE JOINT ETHICS COMMITTEE OR EITHER
13 CO-CHAIRMAN;

14 (III) BE SUBMITTED IN A TIMELY MANNER; AND

15 (IV) INCLUDE A COMPLETE AND ACCURATE STATEMENT OF THE
16 RELEVANT FACTS.

17 (3) IF A REQUEST IS UNCLEAR OR INCOMPLETE, THE JOINT ETHICS
18 COMMITTEE MAY SEEK ADDITIONAL INFORMATION FROM THE LEGISLATOR.

19 (4) (I) THE COUNSEL TO THE JOINT ETHICS COMMITTEE SHALL
20 PREPARE FOR THE COMMITTEE A RESPONSE TO EACH WRITTEN REQUEST FOR AN
21 OPINION UNDER THIS SUBSECTION.

22 (II) EACH RESPONSE SHALL DISCUSS ALL APPLICABLE LAWS,
23 RULES, OR OTHER STANDARDS.

24 (5) EXCEPT AS PROVIDED IN PARAGRAPH (6)(I) OF THIS SUBSECTION, AN
25 OPINION MUST BE APPROVED BY A MAJORITY OF THE MEMBERS OF THE JOINT
26 ETHICS COMMITTEE.

27 (6) (I) THE CO-CHAIRMEN OF THE JOINT ETHICS COMMITTEE MAY
28 APPROVE AN OPINION ON BEHALF OF THE COMMITTEE IF THEY DETERMINE THAT
29 THE OPINION IS CONSISTENT WITH PRIOR PRECEDENT AND THEREFORE DOES NOT
30 REQUIRE CONSIDERATION BY THE FULL COMMITTEE.

31 (II) AN OPINION FOR WHICH APPROVAL BY THE CO-CHAIRMEN
32 UNDER THIS PARAGRAPH IS ANTICIPATED SHALL BE DISTRIBUTED TO EACH
33 MEMBER OF THE JOINT ETHICS COMMITTEE NOT LATER THAN THE NEXT MEETING
34 OF THE JOINT ETHICS COMMITTEE.

35 (III) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH,
36 IF A CO-CHAIRMAN OF THE JOINT ETHICS COMMITTEE IS THE LEGISLATOR

1 REQUESTING THE OPINION, THE OPINION MUST BE APPROVED BY A MAJORITY OF
2 THE COMMITTEE.

3 (B) THE JOINT ETHICS COMMITTEE IS NOT REQUIRED TO ISSUE AN OPINION
4 IF THE REQUEST IS NOT MADE IN A TIMELY MANNER.

5 (C) THE JOINT ETHICS COMMITTEE ON ITS OWN MOTION MAY RENDER
6 OPINIONS AS IT CONSIDERS APPROPRIATE.

7 (D) (1) THE CO-CHAIRMEN SHALL DETERMINE WHETHER AN OPINION
8 SHALL BE MADE PUBLIC, WITH DELETIONS AND CHANGES NECESSARY TO PROTECT
9 THE LEGISLATOR'S IDENTITY.

10 (2) (I) THE COUNSEL TO THE JOINT ETHICS COMMITTEE SHALL
11 COMPILE AND INDEX EACH OPINION THAT WILL BE MADE PUBLIC.

12 (II) THE COMPILATION OF OPINIONS SHALL BE DISTRIBUTED TO
13 EACH MEMBER OF THE GENERAL ASSEMBLY AND SHALL BE AVAILABLE TO THE
14 PUBLIC.

15 (E) THE JOINT ETHICS COMMITTEE MAY TAKE NO ADVERSE ACTION WITH
16 REGARD TO CONDUCT THAT HAS BEEN UNDERTAKEN IN RELIANCE ON A WRITTEN
17 OPINION IF THE CONDUCT CONFORMS TO THE SPECIFIC FACTS ADDRESSED IN THE
18 OPINION.

19 (F) INFORMATION PROVIDED TO THE JOINT ETHICS COMMITTEE BY A
20 LEGISLATOR SEEKING ADVICE REGARDING PROSPECTIVE CONDUCT MAY NOT BE
21 USED AS THE BASIS FOR INITIATING AN INVESTIGATION UNDER § 15-515 OF THIS
22 SUBTITLE IF THE LEGISLATOR ACTS IN GOOD FAITH IN ACCORDANCE WITH THE
23 ADVICE OF THE COMMITTEE.

24 (G) (1) AN OPINION ISSUED UNDER THIS SECTION IS BINDING ON ANY
25 LEGISLATOR TO WHOM IT IS ADDRESSED.

26 (2) A PUBLISHED OPINION IS BINDING ON ALL MEMBERS OF THE
27 GENERAL ASSEMBLY.

28 [15-515.

29 Any person may file with the Joint Ethics Committee a written statement,
30 accompanied by an affidavit setting forth the facts upon which the statement is
31 based, or the Joint Ethics Committee on its own may prepare a statement, alleging
32 that a member may have violated standards of ethical conduct for legislators
33 established by law or rule.]

34 15-515. COMPLAINTS.

35 (A) A COMPLAINT ALLEGING THAT A MEMBER OF THE GENERAL ASSEMBLY
36 MAY HAVE VIOLATED STANDARDS OF ETHICAL CONDUCT, INCLUDING § 2-108 OF
37 THIS ARTICLE, MAY BE FILED WITH THE JOINT ETHICS COMMITTEE BY:

1 (1) A WRITTEN STATEMENT FROM ANY PERSON, ACCOMPANIED BY AN
2 AFFIDAVIT SETTING FORTH THE FACTS UPON WHICH THE STATEMENT IS BASED;

3 (2) MOTION OF A MAJORITY OF THE MEMBERSHIP OF THE JOINT ETHICS
4 COMMITTEE; OR

5 (3) REFERRAL OF A MATTER TO THE JOINT ETHICS COMMITTEE BY A
6 PRESIDING OFFICER OF THE GENERAL ASSEMBLY AS PROVIDED IN § 2-706(5) OF THIS
7 ARTICLE.

8 (B) (1) THE JOINT ETHICS COMMITTEE SHALL PROVIDE A COPY OF EACH
9 COMPLAINT FILED UNDER SUBSECTION (A) OF THIS SECTION TO THE PRESIDING
10 OFFICER OF THE HOUSE OF THE LEGISLATOR WHO IS THE SUBJECT OF THE
11 COMPLAINT.

12 (2) BASED ON THE INFORMATION CONTAINED IN A COMPLAINT
13 PROVIDED TO A PRESIDING OFFICER UNDER PARAGRAPH (1) OF THIS SUBSECTION, IF
14 A PRESIDING OFFICER DETERMINES THAT IT IS INAPPROPRIATE FOR A JOINT ETHICS
15 COMMITTEE MEMBER FROM THAT HOUSE TO CONSIDER A PARTICULAR MATTER, THE
16 PRESIDING OFFICER SHALL APPOINT A SUBSTITUTE MEMBER OF THE JOINT ETHICS
17 COMMITTEE FOR THE PURPOSES OF CONSIDERATION OF THE MATTER.

18 [15-516.

19 Each statement filed or prepared pursuant to § 15-515 of this subtitle and the
20 fact that it has been filed or prepared, any preliminary summary prepared pursuant
21 to § 15-517 of this subtitle, all information relating to any proceedings under this
22 Part II emanating from the statement including proceedings of an investigating
23 committee pursuant to § 15-521 of this subtitle, and any reports thereupon are
24 confidential and, except as permitted by this Part II or upon the written request of
25 the legislator involved, shall remain confidential.]

26 15-516. CONFIDENTIALITY.

27 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY MATTER
28 BEFORE THE JOINT ETHICS COMMITTEE, INCLUDING INFORMATION RELATING TO
29 ANY COMPLAINT, PROCEEDING, OR RECORD OF THE JOINT ETHICS COMMITTEE
30 SHALL REMAIN CONFIDENTIAL.

31 (B) PUBLIC ACCESS AND INSPECTION OF AN ACTIVITY OR RECORD OF THE
32 JOINT ETHICS COMMITTEE SHALL BE AVAILABLE FOR:

33 (1) A DISCLOSURE OR DISCLAIMER OF A CONFLICT OF INTEREST FORM
34 FILED WITH THE JOINT ETHICS COMMITTEE;

35 (2) A PORTION OF A MEETING IN WHICH A DISCLOSURE OR DISCLAIMER
36 FORM IS REVIEWED BY THE JOINT ETHICS COMMITTEE;

37 (3) INFORMATION RELATING TO ANY COMPLAINT, PROCEEDING, OR
38 RECORD OF THE JOINT ETHICS COMMITTEE INVOLVING AN INDIVIDUAL MEMBER OF

1 THE GENERAL ASSEMBLY, IF CONSENT TO PUBLIC ACCESS AND INSPECTION IS
2 GRANTED BY:

3 (I) THE MEMBER INVOLVED IN THE MATTER; OR

4 (II) THE JOINT COMMITTEE, UPON TWO-THIRDS VOTE OF THE
5 MEMBERSHIP OF THE JOINT COMMITTEE;

6 (4) AN OPINION OR RULE ISSUED BY THE JOINT COMMITTEE; OR

7 (5) ANY MATTER OR RECORD THAT IS OTHERWISE AVAILABLE FOR
8 PUBLIC ACCESS OR INSPECTION AS SPECIFICALLY AUTHORIZED UNDER THIS
9 SUBTITLE.

10 15-517. Review of complaints.

11 (a) Following the filing or preparation of a [statement] COMPLAINT pursuant
12 to § 15-515 of this subtitle, the Joint Ethics Committee shall review the [statement]
13 COMPLAINT and proceed in accordance with § 15-518 of this subtitle unless, after
14 examination of the statement and the issues raised thereby, it finds that further
15 proceedings are not justified because:

16 (1) the [statement] COMPLAINT is frivolous;

17 (2) the [statement and the accompanying affidavit do] COMPLAINT
18 DOES not allege actions on the part of the member which provide reason to believe
19 that a violation may have occurred;

20 (3) the matters alleged are not within the jurisdiction of the Joint Ethics
21 Committee;

22 (4) the violations alleged were inadvertent, technical, or minor, or have
23 been cured, and, after consideration of all of the circumstances then known, further
24 proceedings would not serve the purposes of this [section] SUBTITLE; or

25 (5) for other reasons, after consideration of all the circumstances, further
26 proceedings would not serve the purposes of this [section] SUBTITLE.

27 (b) (1) If a finding is made under subsection (a) of this section, the Joint
28 Ethics Committee shall:

29 (I) submit a report of its conclusions to the presiding officer OR TO
30 THE MEMBERSHIP of the branch of the legislature of which the legislator is a member,
31 and the proceedings shall be terminated;

32 (II) PROVIDE ADVICE OR GUIDANCE TO THE MEMBER; OR

33 (III) PROVIDE THE MEMBER WITH AN OPPORTUNITY TO CURE ANY
34 MINOR VIOLATION OF ETHICAL STANDARDS.

1 (2) (I) Subject to § 15-516 of this subtitle, notice of the Joint Ethics
2 Committee's action shall be provided to the member and to any person who filed the
3 [statement] COMPLAINT.

4 (II) Upon request, the legislator may see the [statement]
5 COMPLAINT and the report.

6 (c) If no finding is made under subsection (a) of this section, the Joint Ethics
7 Committee shall prepare [a preliminary] AN ALLEGATION summary, based upon its
8 examination under that subsection, setting forth the alleged facts and the issues then
9 known which merit further proceedings.

10 15-518. Allegation summary.

11 (a) Except as to proceedings terminated in accordance with § 15-517(b) of this
12 subtitle, the legislator shall be notified and provided with a copy of the [statement]
13 COMPLAINT filed or prepared pursuant to § 15-515 of this subtitle and of the
14 [preliminary] ALLEGATION summary prepared pursuant to § 15-517(c) of this
15 subtitle and allowed [15 days] AN OPPORTUNITY to file a written answer to the
16 [preliminary] ALLEGATION summary.

17 (b) [(1)] Following notification of the legislator, the Joint Ethics Committee
18 [shall] MAY EITHER:

19 [(i)] (1) terminate the proceedings [if an answer from the
20 legislator is timely filed and the Joint Ethics Committee finds that, upon a basis set
21 forth in § 15-517(a) of this subtitle, further proceedings are not justified, in which
22 case § 15-517(b) of this subtitle shall govern.]; OR

23 [(ii)] (2) schedule a hearing AND NOTIFY THE LEGISLATOR OF THE
24 TIME, LOCATION, AND PROCEDURES OF THE HEARING [if:

25 1. an answer from the legislator is timely filed but the Joint
26 Ethics Committee finds no basis for terminating the proceedings pursuant to item 1
27 of this subparagraph; or

28 2. no answer is timely filed].

29 [(2)] No hearing shall be scheduled less than 20 days after written notice
30 thereof is provided to the legislator and to any person who filed the statement.

31 (3)] (C) (1) The Joint Ethics Committee may amend the
32 [preliminary] ALLEGATION summary at any time [prior to the hearing]. [If the
33 preliminary summary is amended, the process established in paragraphs (1) and (2)
34 of this subsection shall be repeated.]

35 (2) IF AN ALLEGATION SUMMARY IS AMENDED UNDER PARAGRAPH (1)
36 OF THIS SUBSECTION, THE LEGISLATOR SHALL BE ALLOWED AN OPPORTUNITY TO
37 FILE A WRITTEN ANSWER TO THE AMENDED ALLEGATION SUMMARY.

1 [(c) At the hearing, the Joint Ethics Committee shall develop an evidentiary
2 record relating to the issues raised by the preliminary summary and any
3 amendments thereto. The legislator may present evidence, cross-examine witnesses,
4 face and examine any person who has filed a statement in the matter, and be
5 represented by counsel. The hearing shall be recorded.

6 (d) Based upon the record compiled at the hearing, the Joint Ethics
7 Committee shall make one of the following findings:

8 (1) there is no cause for further proceedings because there is no probable
9 cause to believe that a violation may have occurred;

10 (2) there is probable cause to believe that a violation may have occurred
11 but further proceedings are not justified because:

12 (i) any violation that may have occurred is not within the
13 jurisdiction of the Joint Ethics Committee;

14 (ii) any violation that may have occurred was inadvertent,
15 technical, or minor, or has been cured, and, after consideration of all of the
16 circumstances, further proceedings would not serve the purposes of this section; or

17 (iii) for other reasons, after consideration of all of the circumstances,
18 further proceedings would not serve the purposes of this Part II; or

19 (3) further proceedings are justified.]

20 [15-519.

21 Promptly upon making a finding pursuant to § 15-518(d) of this subtitle, the
22 Joint Ethics Committee shall submit a written report of its proceedings, including its
23 finding, to the presiding officer of the branch of the legislature of which the legislator
24 is a member.]

25 [15-520.

26 (a) The presiding officer shall review each report submitted pursuant to §
27 15-519 of this subtitle.

28 (b) If the report contains a finding under § 15-518(d)(1) of this subtitle, the
29 proceedings shall be terminated.

30 (c) If the report contains a finding under § 15-518(d)(2) of this subtitle and:

31 (1) if the presiding officer agrees with the finding contained in the report
32 of the Joint Ethics Committee, the proceedings shall be terminated.

33 (2) if the presiding officer disagrees with the report of the Joint Ethics
34 Committee, the reasons for disagreement shall be stated in writing and forwarded,
35 together with the report, to an investigating committee created pursuant to the
36 provisions of § 15-522 of this subtitle for further proceedings.

1 (d) If the report includes a finding under § 15-518(d)(2) of this subtitle, the
2 presiding officer shall promptly forward the report to an investigating committee
3 created pursuant to § 15-522 of this subtitle for further proceedings.]

4 [15-521.

5 (a) This section governs all matters referred to an investigating committee
6 pursuant to this Part II.

7 (b) If the matter has been referred to the investigating committee pursuant to
8 § 15-520(c)(2) of this subtitle, the investigating committee shall review the report of
9 the Joint Ethics Committee and determine initially whether, based upon the reasons
10 of the presiding officer or otherwise, further proceedings are justified. If the
11 investigating committee determines that further proceedings are not justified, it shall
12 so report to the presiding officer, and the proceedings shall be terminated.

13 (c) Except as otherwise provided in subsection (b) of this section, the
14 investigating committee shall review the report of the Joint Ethics Committee and, in
15 such detail as it considers appropriate, conduct further proceedings until it is
16 prepared to make a report pursuant to subsection (d) of this section. The proceedings
17 shall be conducted pursuant to the provisions of Title 2, Subtitle 16 of this article to
18 the extent those provisions are not inconsistent with § 15-516 of this subtitle or other
19 provisions of this Part II.

20 (d) At the conclusion of its investigation pursuant to subsection (c) of this
21 section, the investigating committee shall make such findings of fact, conclusions of
22 law, and recommendations for further proceedings as it considers appropriate and
23 take one of the following actions:

24 (1) if the investigating committee concludes that there has been no
25 violation, the investigating committee shall report its findings, conclusions, and
26 recommendations to the presiding officer of that branch of the legislature, and the
27 proceedings shall be terminated.

28 (2) (i) if the investigating committee concludes that a violation has
29 occurred, the investigating committee shall submit a written report of its findings,
30 conclusions, and recommendations to the presiding officer of that branch.

31 (ii) the report and formal record of the investigating committee
32 shall be public records.

33 (iii) the presiding officer shall cause to be introduced a simple
34 resolution setting forth the findings and conclusions and implementing the
35 recommendations made by the investigating committee.

36 (e) In any matter concluded by a confidential report of the investigating
37 committee to the presiding officer, upon request of the member the presiding officer
38 shall introduce a simple resolution setting forth the findings, conclusions, and
39 recommendations of the investigating committee.]

1 [15-522.

2 (a) Each branch of the legislature by a simple resolution shall establish an
3 investigating committee, as provided in Title 2, Subtitle 16 of this article, promptly
4 upon the beginning of the first regular session after each gubernatorial election.
5 Subject to further action of that branch of the legislature, that investigating
6 committee shall function during and between sessions throughout each year of the
7 term and until a new investigating committee is created.

8 (b) At the beginning of each regular session, the presiding officer by order
9 shall appoint the members of the investigating committee from the members of that
10 branch of the legislature. If it is considered inappropriate by the presiding officer for
11 any member of the investigating committee to consider a particular matter, the
12 presiding officer shall appoint a substitute member for the purposes of that matter.

13 (c) The investigating committee thus created and constituted shall perform
14 the functions assigned under this Part II and consider such other matters relating to
15 that branch of the legislature as may be assigned to it by the presiding officers acting
16 jointly or by the presiding officer of that branch with the approval of the minority
17 leader of that branch. The investigating committee shall perform no other function.]
18 15-519. HEARING PROCEDURES.

19 (A) THE JOINT ETHICS COMMITTEE SHALL ADOPT WRITTEN PROCEDURES
20 FOR CONDUCTING A HEARING TO CONSIDER A COMPLAINT, ALLEGATION SUMMARY,
21 AND WRITTEN ANSWER, IF ANY, AS PROVIDED IN § 15-518(B) OF THIS SUBTITLE.

22 (B) THE WRITTEN PROCEDURES ADOPTED BY THE JOINT ETHICS COMMITTEE
23 UNDER SUBSECTION (A) OF THIS SECTION:

24 (1) SHALL BE AVAILABLE FOR PUBLIC INSPECTION;

25 (2) SHALL BE PROVIDED TO EACH LEGISLATOR WHO IS THE SUBJECT OF
26 A HEARING;

27 (3) SHALL AUTHORIZE A LEGISLATOR TO:

28 (I) BE REPRESENTED BY COUNSEL;

29 (II) CROSS-EXAMINE WITNESSES; AND

30 (III) SUBJECT TO LIMITATIONS ESTABLISHED BY THE JOINT ETHICS
31 COMMITTEE IN ITS WRITTEN PROCEDURES, BE PROVIDED AN OPPORTUNITY TO
32 REASONABLY INSPECT ANY RECORDS THAT THE JOINT ETHICS COMMITTEE INTENDS
33 TO USE DURING THE HEARING; AND

34 (4) SUBJECT TO PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, MAY BE
35 AMENDED BY THE JOINT ETHICS COMMITTEE AT ANY TIME.

1 (C) (1) IF THE JOINT ETHICS COMMITTEE DETERMINES THAT A HEARING IS
2 REQUIRED UNDER § 15-518(B) OF THIS SUBTITLE, THE JOINT ETHICS COMMITTEE, BY
3 A TWO-THIRDS VOTE OF THE MEMBERS OF THE JOINT ETHICS COMMITTEE, MAY
4 ISSUE ONE OR MORE SUBPOENAS THAT REQUIRE THE APPEARANCE OF A PERSON,
5 THE PRODUCTION OF RELEVANT RECORDS, AND THE GIVING OF RELEVANT
6 TESTIMONY.

7 (2) A REQUEST TO APPEAR, APPEARANCE, OR SUBMISSION OF EVIDENCE
8 DOES NOT LIMIT THE SUBPOENA POWER OF THE JOINT ETHICS COMMITTEE.

9 (3) A SUBPOENA ISSUED UNDER SUBSECTION (B) OF THIS SECTION
10 SHALL BE SERVED:

11 (I) IN THE MANNER PROVIDED BY LAW FOR SERVICE OF A
12 SUBPOENA IN A CIVIL ACTION;

13 (II) BEFORE THE TIME THAT THE SUBPOENA SETS FOR
14 APPEARANCE OR PRODUCTION OF RECORDS; AND

15 (III) WITH THE FOLLOWING DOCUMENTS:

16 1. A COPY OF THIS TITLE;

17 2. A COPY OF THE RULES OF THE JOINT ETHICS COMMITTEE;

18 AND

19 3. IF THE SUBPOENA REQUIRES THE APPEARANCE OF A
20 PERSON, NOTICE THAT COUNSEL MAY ACCOMPANY THE PERSON.

21 (4) A PERSON WHO IS SUBPOENAED TO APPEAR AT A HEARING IS
22 ENTITLED TO RECEIVE THE FEES AND ALLOWANCES THAT ARE PROVIDED FOR A
23 PERSON WHO IS SUBPOENAED BY A CIRCUIT COURT.

24 (5) A PERSON MAY BE HELD IN CONTEMPT IF THE PERSON
25 UNJUSTIFIABLY:

26 (I) FAILS OR REFUSES TO COMPLY WITH A SUBPOENA FOR
27 APPEARANCE;

28 (II) APPEARS BUT FAILS OR REFUSES TO TESTIFY UNDER OATH; OR

29 (III) UNLESS THE DIRECTIVE IS OVERRULED BY A MAJORITY VOTE
30 OF THE MEMBERS OF THE JOINT ETHICS COMMITTEE WHO ARE PRESENT AT THE
31 HEARING, DISOBEYS A DIRECTIVE OF THE PRESIDING CHAIRMAN AT THE HEARING
32 TO ANSWER A RELEVANT QUESTION OR TO PRODUCE A RECORD, INCLUDING
33 ELECTRONIC RECORD THAT HAS BEEN SUBPOENAED.

34 (6) BY A TWO-THIRDS VOTE OF ALL OF THE MEMBERS OF THE JOINT
35 ETHICS COMMITTEE, THE JOINT ETHICS COMMITTEE MAY APPLY FOR A CONTEMPT
36 CITATION TO A CIRCUIT COURT.

1 15-520. FINDING AND RECOMMENDATIONS.

2 (A) THE JOINT ETHICS COMMITTEE MAY MAKE A FINDING DEVELOPED FROM:

3 (1) INFORMATION PRESENTED DURING THE HEARING;

4 (2) THE ALLEGATION SUMMARY AND ANY AMENDMENTS THERETO;

5 (3) THE WRITTEN ANSWER OF THE LEGISLATOR TO THE ALLEGATION
6 SUMMARY, IF ANY; AND

7 (4) ANY OTHER INFORMATION PROVIDED TO THE JOINT ETHICS
8 COMMITTEE AND MADE AVAILABLE TO THE LEGISLATOR.

9 (B) CONSISTENT WITH THE PURPOSES OF THIS TITLE, THE JOINT ETHICS
10 COMMITTEE MAY ESTABLISH CRITERIA FOR MAKING A FINDING IN ITS WRITTEN
11 PROCEDURES ESTABLISHED UNDER § 15-519(A) OF THIS SUBTITLE.

12 (C) IF THE JOINT ETHICS COMMITTEE MAKES A FINDING UNDER THIS
13 SECTION, THE JOINT ETHICS COMMITTEE SHALL:

14 (1) TERMINATE THE PROCEEDING AGAINST A LEGISLATOR; OR

15 (2) ISSUE ANY RECOMMENDATIONS TO THE PRESIDING OFFICER OF
16 THE HOUSE OF THE LEGISLATOR OR TO THE FULL HOUSE OF THE LEGISLATOR,
17 INCLUDING ANY RECOMMENDATIONS FOR APPROPRIATE SANCTIONS.

18 15-521. REFERRAL TO PROSECUTING AUTHORITIES.

19 IF THE JOINT ETHICS COMMITTEE, AT ANY TIME DURING ITS CONSIDERATION
20 OF ANY COMPLAINT OR ALLEGATION SUMMARY OR DURING ANY PROCEEDING,
21 FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT A LEGISLATOR
22 MAY HAVE COMMITTED A CRIMINAL OFFENSE, THE JOINT ETHICS COMMITTEE
23 SHALL:

24 (1) REFER THE MATTER TO AN APPROPRIATE PROSECUTING
25 AUTHORITY; AND

26 (2) PROVIDE ANY INFORMATION OR EVIDENCE TO THE PROSECUTING
27 AUTHORITY THAT THE JOINT ETHICS COMMITTEE DETERMINES IS APPROPRIATE.

28 15-602. Financial disclosure statement - Filing requirements.

29 (A) Except as otherwise provided in this subtitle, a statement filed under [this
30 section or §§ 15-603 through 15-605] § 15-601, § 15-603, § 15-604, OR § 15-605 of this
31 subtitle shall:

32 (1) be filed with the Ethics Commission;

33 (2) be filed under oath;

- 1 (3) be filed on or before April 30 of each year;
- 2 (4) cover the calendar year immediately preceding the year of filing; and
- 3 (5) contain the information required in § 15-607 of this subtitle.

4 (B) (1) NOTWITHSTANDING SUBSECTION (A)(1) OF THIS SECTION, A
5 STATEMENT FILED BY A MEMBER OF THE GENERAL ASSEMBLY SHALL BE FILED IN
6 DUPLICATE WITH THE JOINT ETHICS COMMITTEE.

7 (2) NOTWITHSTANDING SUBSECTION (A)(3) OF THIS SECTION, A
8 STATEMENT FILED BY A MEMBER OF THE GENERAL ASSEMBLY SHALL BE FILED
9 WITH THE ETHICS COMMISSION AND THE JOINT ETHICS COMMITTEE ON OR BEFORE
10 FEBRUARY 1 OF EACH YEAR.

11 (C) THE ETHICS COMMISSION SHALL DEVELOP PROCEDURES UNDER WHICH
12 A STATEMENT UNDER THIS SUBTITLE MAY BE FILED ELECTRONICALLY AND
13 WITHOUT ADDITIONAL COST TO THE INDIVIDUAL WHO FILES THE STATEMENT.

14 15-606. Public record.

15 (a) (1) The Ethics Commission AND THE JOINT ETHICS COMMITTEE shall
16 maintain the statements submitted under this subtitle and, during normal office
17 hours, make the statements available to the public for examination and copying.

18 (2) The Ethics Commission AND THE JOINT ETHICS COMMITTEE may
19 charge a reasonable fee and adopt administrative procedures for the examination and
20 copying of a statement.

21 (b) (1) The Ethics Commission AND THE JOINT ETHICS COMMITTEE shall
22 maintain a record of:

23 (i) the name and home address of each individual who examines or
24 copies a statement under this section; and

25 (ii) the name of the individual whose statement was examined or
26 copied.

27 (2) On the request of the individual whose statement was examined or
28 copied, the Ethics Commission OR THE JOINT ETHICS COMMITTEE shall forward a
29 copy of that record to that individual.

30 15-607. Content of statements.

31 (a) A statement that is required by § 15-601(a) of this subtitle shall contain
32 schedules disclosing the information and interests specified in this section, if known,
33 for the individual making the statement for the applicable period under this subtitle.

34 (b) (1) The statement shall include a schedule of each interest in real
35 property, wherever located, including each interest held in the name of a partnership,

1 limited liability partnership, or limited liability company in which the individual held
2 an interest.

3 (2) For each interest reported the schedule shall include:

4 (i) the nature of the property;

5 (ii) the street address, mailing address, or legal description of the
6 property;

7 (iii) the nature and extent of the interest in the property, including
8 any conditions to and encumbrances on the interest;

9 (iv) the date and manner in which the interest was acquired;

10 (v) the identity of the entity from which the interest was acquired;

11 (vi) if the interest was acquired by purchase, the nature and
12 amount of the consideration given for the interest;

13 (vii) if the interest was acquired in any other manner, the fair
14 market value of the interest when acquired;

15 (viii) if any interest was transferred, in whole or in part, during the
16 applicable period:

17 1. a description of the interest transferred;

18 2. the nature and amount of the consideration received for
19 the interest; and

20 3. the identity of the entity to which the interest was
21 transferred; and

22 (ix) the identity of any other entity with an interest in the property.

23 (c) (1) The statement shall include a schedule of each interest held by the
24 individual in a corporation, partnership, limited liability partnership, or limited
25 liability company, whether or not the corporation, partnership, limited liability
26 partnership, or limited liability company does business with the State.

27 (2) For each interest reported, the schedule shall include:

28 (i) the name and address of the principal office of the corporation,
29 partnership, limited liability partnership, or limited liability company;

30 (ii) subject to paragraph (3) of this subsection, the nature and
31 amount of the interest held, including any conditions to and encumbrances on the
32 interest;

1 (iii) except as provided in paragraph (4) of this subsection, if any
2 interest was acquired during the applicable period:

3 1. the date and manner in which the interest was acquired;

4 2. the identity of the entity from which the interest was
5 acquired;

6 3. if the interest was acquired by purchase, the nature and
7 amount of the consideration given for the interest; and

8 4. if the interest was acquired in any other manner, the fair
9 market value of the interest when it was acquired; and

10 (iv) if any interest was transferred, in whole or in part, during the
11 applicable period:

12 1. a description of the interest transferred;

13 2. the nature and amount of the consideration received for
14 the interest; and

15 3. if known, the identity of the entity to which the interest
16 was transferred.

17 (3) (i) As to an equity interest in a corporation, the individual may
18 satisfy paragraph (2)(ii) of this subsection by reporting, instead of a dollar amount:

19 1. the number of shares held; and

20 2. unless the corporation's stock is publicly traded, the
21 percentage of equity interest held.

22 (ii) As to an equity interest in a partnership, limited liability
23 partnership, or limited liability company, the individual may satisfy paragraph (2)(ii)
24 of this subsection by reporting, instead of a dollar amount, the percentage of equity
25 interest held.

26 (4) If an interest acquired during the applicable reporting period consists
27 of additions to existing publicly traded corporate interests acquired by dividend or
28 dividend reinvestment, and the total value of the acquisition is less than \$500, only
29 the manner of acquisition is required to be disclosed under paragraph (2)(iii) of this
30 subsection.

31 (d) (1) The statement shall include a schedule of each interest in a business
32 entity doing business with the State, other than interests reported under subsection
33 (c) of this section.

34 (2) For each interest reported, the schedule shall include:

- 1 (i) the name and address of the principal office of the business
2 entity;
- 3 (ii) the nature and amount of the interest held, including any
4 conditions to and encumbrances on the interest;
- 5 (iii) if any interest was acquired during the applicable period:
- 6 1. the date and manner in which the interest was acquired;
- 7 2. the identity of the entity from which the interest was
8 acquired;
- 9 3. if the interest was acquired by purchase, the nature and
10 amount of the consideration given for the interest; and
- 11 4. if the interest was acquired in any other manner, the fair
12 market value of the interest when it was acquired; and
- 13 (iv) if any interest was transferred, in whole or in part, during the
14 applicable period:
- 15 1. a description of the interest transferred;
- 16 2. the nature and amount of the consideration received for
17 the interest; and
- 18 3. the identity of the entity to which the interest was
19 transferred.
- 20 (e) (1) This subsection does not apply to a gift received from a member of
21 the immediate family, another child, or a parent of the individual.
- 22 (2) The statement shall include a schedule of each gift, specified in
23 paragraph (3) of this subsection, received during the applicable period:
- 24 (i) by the individual or by another entity at the direction of the
25 individual; and
- 26 (ii) directly or indirectly, from or on behalf of an entity that is:
- 27 1. a regulated lobbyist;
- 28 2. regulated by the State; or
- 29 3. otherwise an entity doing business with the State.
- 30 (3) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
31 PARAGRAPH, THE schedule shall include[:

1 (i) each gift with a value of more than [~~\$25~~] \$20[, except that the
2 statement need not include as a gift attendance at a special event that is reported by
3 a regulated lobbyist under § 15-704(b)(2)(vi) of this title; and

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

6 (II) THE STATEMENT NEED NOT INCLUDE AS A GIFT:

7 1. FOOD OR BEVERAGES RECEIVED AND CONSUMED BY AN
8 OFFICIAL OF THE LEGISLATIVE BRANCH IN THE PRESENCE OF THE DONOR OR
9 SPONSORING ENTITY AS PART OF A RECEPTION TO WHICH WERE INVITED ALL
10 MEMBERS OF A LEGISLATIVE UNIT; OR

11 2. A TICKET OR FREE ADMISSION EXTENDED TO A STATE
12 OFFICIAL OF THE LEGISLATIVE BRANCH AS A COURTESY OR CEREMONY TO THE
13 OFFICE TO ATTEND A PROFESSIONAL OR INTERCOLLEGIATE SPORTING EVENT, OR A
14 CHARITABLE, CULTURAL, OR POLITICAL EVENT TO WHICH WERE INVITED ALL
15 MEMBERS OF A LEGISLATIVE UNIT.

16 (III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (II)
17 OF THIS PARAGRAPH, THE STATEMENT SHALL INCLUDE THE ACCEPTANCE OF EACH
18 OF TWO OR MORE TICKETS OR FREE ADMISSIONS EXTENDED TO A STATE OFFICIAL
19 OF THE LEGISLATIVE BRANCH WITH A CUMULATIVE VALUE OF \$100 OR MORE
20 RECEIVED FROM ONE ENTITY DURING THE APPLICABLE PERIOD.

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

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

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

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

27 (f) (1) The statement shall include, as specified in this subsection, a
28 schedule of all offices, directorships, and salaried employment, or any similar interest
29 not otherwise disclosed, in business entities doing business with the State.

30 (2) This subsection applies to positions and interests held at any time
31 during the applicable period by:

32 (i) the individual; or

33 (ii) any member of the individual's immediate family.

34 (3) For each position or interest reported, this schedule shall include:

35 (i) the name and address of the principal office of the business
36 entity;

- 1 (ii) the nature of the position or interest and the date it commenced;
- 2 (iii) the name of each governmental unit with which the entity is
3 doing business; and
- 4 (iv) the nature of the business with the State, which, at a minimum,
5 shall be specified by reference to the applicable criteria of doing business described in
6 § 15-102(j) of this title.

7 (g) (1) The statement shall include a schedule, to the extent the individual
8 may reasonably be expected to know, of each debt, excluding retail credit accounts,
9 owed at any time during the applicable period to entities doing business with the
10 State:

11 (i) by the individual; and

12 (ii) if the individual was involved in the transaction giving rise to
13 the debt, by any member of the immediate family of the individual.

14 (2) For each debt, the schedule shall include:

15 (i) the identity of the entity to which the debt was owed;

16 (ii) the date it was incurred;

17 (iii) the amount owed at the end of the applicable period;

18 (iv) the terms of payment;

19 (v) the extent to which the principal was increased or decreased
20 during the applicable period; and

21 (vi) any security given.

22 (h) The statement shall include a schedule listing the members of the
23 immediate family of the individual who were employed by the State in any capacity at
24 any time during the applicable period.

25 (i) The statement shall include a schedule listing the name and address of
26 each:

27 (1) place of salaried employment of the individual or a member of the
28 individual's immediate family at any time during the applicable period; and

29 (2) business entity of which the individual or a member of the
30 individual's immediate family was a sole or partial owner, and from which the
31 individual or family member received earned income, at any time during the
32 applicable period.

33 (j) The statement may include a schedule listing additional interests or
34 information that the individual chooses to disclose.

1 (K) TO THE EXTENT NOT REPORTED UNDER SUBSECTION (A) THROUGH (J) OF
2 THIS SECTION, A STATEMENT FILED BY A MEMBER OF THE GENERAL ASSEMBLY
3 SHALL INCLUDE:

4 (1) THE INFORMATION REQUIRED UNDER § 15-513(B) OF THIS TITLE;
5 AND

6 (2) AN ACKNOWLEDGMENT, SIGNED BY THE MEMBER, THAT ANY
7 INFORMATION, REQUIRED UNDER § 15-513(B) OF THIS TITLE, THAT BECOMES
8 REPORTABLE AFTER THE STATEMENT IS FILED SHALL BE REPORTED IMMEDIATELY
9 TO THE JOINT ETHICS COMMITTEE AS REQUIRED BY § 15-513(B).

10 15-704. Reports.

11 (b) Subject to subsection [(f)] (E) of this section, a report required by this
12 section shall include:

13 (1) a complete, current statement of the information required under §
14 15-703(b) of this subtitle;

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

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

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

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

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

24 (iii) publications that expressly encourage communication with one
25 or more officials or employees;

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

28 (v) EXCEPT AS TO OFFICIALS OF THE LEGISLATIVE BRANCH, meals
29 and beverages for officials, employees, or members of the immediate families of
30 officials or employees;

31 (vi) 1. [special events, including parties, meals, athletic events,
32 entertainment, or other functions] FOR OFFICIALS OF THE LEGISLATIVE BRANCH,
33 FOOD, BEVERAGES, AND INCIDENTAL EXPENSES FOR A RECEPTION to which were
34 invited all members of A LEGISLATIVE UNIT[;

1 General Assembly or member of the immediate family of a member of the General
2 Assembly who has benefited during the reporting period from a gift of a ticket or
3 admission to any event for which other persons are charged a fee exceeding \$15,
4 whether or not in connection with lobbying activities, allowed under §
5 15-505(c)(2)(vii) of this title from the regulated lobbyist.

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

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

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

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

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

14 (3) The regulated lobbyist may:

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

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

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

22 [(e)] (D) (1) [(i)] Subject to subsection [(f)] (E) of this section and to the
23 provisions of subparagraph (ii) of this paragraph, in addition to any other report
24 required under this section, a regulated lobbyist shall file, with the report required by
25 subsection (a) of this section, a report disclosing the name of any State official of the
26 Executive [or Legislative] Branch or member of the immediate family of a State
27 official of the Executive [or Legislative Branch] who has benefited during the
28 reporting period from gifts of meals or beverages, whether or not in connection with
29 lobbying activities, allowed under § 15-505(c)(2)(i) of this title from the regulated
30 lobbyist.

31 [(ii)] The name of a member of the General Assembly or member of
32 the immediate family of a member of the General Assembly shall be disclosed under
33 subparagraph (i) of this paragraph only if the gift of a meal or beverage to the
34 individual costs \$15 or more.]

35 (2) Gifts reported by name of recipient under subsection (b)(2)(vii) of this
36 section and [special events] RECEPTIONS AND TICKETS OR FREE ADMISSION listed
37 under subsection (b)(2)(vi) of this section need not be allocated for the purposes of
38 disclosure under paragraph (1) of this subsection.

1 (3) 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 gift of a meal or beverages;

5 (iii) the date and value of each gift of a meal or beverages, 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 meals or beverages,
8 calculated as to each recipient.

9 (4) The regulated lobbyist may[:

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

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

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

18 [(f)] (E) This section does not require the disclosure by a regulated lobbyist of
19 any gift to the regulated lobbyist's immediate family, if the gift is:

20 (1) purely personal and private in nature and not related to the
21 regulated lobbyist's lobbying activities; and

22 (2) from the regulated lobbyist's personal funds and not attributable to
23 any other entity or entities.

24 [(g)] (F) The Ethics Commission may require a regulated lobbyist to file any
25 additional report the Ethics Commission determines to be necessary.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act does not apply to:

27 (1) Employment of a relative of a member of the General Assembly that would
28 be prohibited under § 2-107 of the State Government Article as enacted by this Act, if
29 the employment:

30 (i) was entered into prior to the effective date of this Act; and

31 (ii) immediately prior to the effective date of this Act was in conformance
32 with Advisory Opinion #58 of the Joint Committee on Legislative Ethics.

1 (2) Employment, or other compensated relationship, that would be prohibited
2 under § 15-504 or 15-513 of the State Government Article as enacted by this Act, if
3 the employment or relationship:

4 (i) was entered into prior to the effective date of this Act; and

5 (ii) immediately prior to the effective date of this Act was in conformance
6 with all applicable laws, rules, and other standards of ethical conduct.

7 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding §
8 15-602(b)(2) of the State Government Article, as enacted by this Act, a member of the
9 General Assembly shall file the financial disclosure statement covering calendar year
10 1998 on or before April 30, 1999.

11 SECTION 5. AND BE IT FURTHER ENACTED, That this Act is an emergency
12 measure, is necessary for the immediate preservation of the public health and safety,
13 has been passed by a ye and nay vote supported by three-fifths of all the members
14 elected to each of the two Houses of the General Assembly, and shall take effect from
15 the date it is enacted.