

HOUSE BILL 1
EMERGENCY BILL

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1999 Regular Session
9lr0237
CF 9lr0624

(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 Wood, McIntosh, Benson, Bobo, Brinkley, Bronrott, Clagett, DeCarlo, Dobson, Dypski, Glassman, Malone, Mandel, Paige, Parrott, Riley, Shank, Snodgrass, Sophocleus, and Swain Swain, and Carlson~~**

Requested: August 4, 1998

Introduced and read first time: January 13, 1999

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 11, 1999

CHAPTER _____

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

1 filing of certain documents; altering procedures under which the Joint
2 Committee issues advisory opinions; altering procedures for the investigation of
3 complaints concerning the ethical conduct of members of the General Assembly;
4 ~~altering the deadline for members of the General Assembly to file annual~~
5 ~~financial disclosure statements~~; requiring the filing by a member of the General
6 Assembly of a duplicate financial disclosure statement with the Joint
7 Committee; providing for access to financial disclosure statements filed with the
8 Joint Committee; providing for the application of this Act; ~~making this Act an~~
9 ~~emergency measure~~; and generally relating to the Maryland Public Ethics Law.

10 BY renumbering

11 Article - State Government
12 Section 15-102(w) through (ll), respectively
13 to be Section 15-102(x) through (mm), respectively
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1998 Supplement)

16 BY adding to

17 Article - State Government
18 Section 2-107, 2-108, 2-709, 15-102(w), 15-514, 15-515, 15-516, 15-519,
19 15-520, and 15-521
20 Annotated Code of Maryland
21 (1995 Replacement Volume and 1998 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article - State Government
24 Section 2-703, 2-707, 15-504, 15-505, 15-506, 15-511, 15-512, 15-513, 15-517,
25 15-518, 15-602, 15-606, 15-607, and 15-704(b), (e), (f), and (g)
26 Annotated Code of Maryland
27 (1995 Replacement Volume and 1998 Supplement)

28 BY repealing

29 Article - State Government
30 Section 15-514, 15-515, 15-516, 15-519, 15-520, 15-521, 15-522, and
31 15-704(d)
32 Annotated Code of Maryland
33 (1995 Replacement Volume and 1998 Supplement)

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
35 MARYLAND, That Section(s) 15-102(w) through (ll), respectively, of Article - State
36 Government of the Annotated Code of Maryland be renumbered to be Section(s)
37 15-102(x) through (mm), respectively.

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

1 **Article - State Government**

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

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

4 (1) A SPOUSE;

5 (2) A PARENT OR STEPPARENT;

6 (3) A SIBLING OR STEP SIBLING;

7 (4) A CHILD, STEPCCHILD, FOSTER CHILD, OR WARD;

8 (5) A MOTHER-IN-LAW OR FATHER-IN-LAW;

9 (6) A SON-IN-LAW OR DAUGHTER-IN-LAW;

10 (7) A GRANDPARENT; OR

11 (8) A GRANDCHILD.

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

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

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

20 (II) DISCLOSES THE EMPLOYMENT TO THE JOINT COMMITTEE ON
21 LEGISLATIVE ETHICS.

22 2-108. USE OF PUBLIC FUNDS BY LEGISLATORS.

23 (A) PUBLIC RESOURCES MAY BE USED BY MEMBERS OF THE GENERAL
24 ASSEMBLY ONLY FOR PUBLIC PURPOSES.

25 (B) THIS SECTION DOES NOT PROHIBIT INCIDENTAL USE OF PUBLIC
26 RESOURCES FOR NONPUBLIC PURPOSES.

27 2-703. Membership.

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

29 [(i) from the Senate:

30 1. the President ex officio; and

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1 2. 5 other senators appointed by the President; and]

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

3 [(ii) from the House:

4 1. the Speaker ex officio; and

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

6 (II) SIX DELEGATES APPOINTED BY THE SPEAKER.

7 (2) (I) [At least 1 member from the Senate and 1 member from the
8 House shall be from the party of the Minority Leader.] THE SENATORS APPOINTED
9 BY THE PRESIDENT SHALL BE CHOSEN SO THAT EACH POLITICAL PARTY IS
10 REPRESENTED IN APPROXIMATELY THE SAME PROPORTION AS THE PARTY IS
11 REPRESENTED IN THE SENATE. MINORITY PARTY MEMBERS SHALL BE APPOINTED
12 UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE.

13 (II) THE DELEGATES APPOINTED BY THE SPEAKER SHALL BE
14 CHOSEN SO THAT EACH POLITICAL PARTY IS REPRESENTED IN APPROXIMATELY THE
15 SAME PROPORTION AS THE PARTY IS REPRESENTED IN THE HOUSE. MINORITY
16 PARTY MEMBERS SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE
17 MINORITY LEADER OF THE HOUSE.

18 (b) (1) A member appointed by the President serves at the pleasure of the
19 President.

20 (2) A member appointed by the Speaker serves at the pleasure of the
21 Speaker.

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

24 2-707. Rules.

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

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

29 (2) ~~RULES MAY BE ADOPTED, MODIFIED, AMENDED, OR REPEALED~~
30 ~~ONLY:~~

31 (1) ~~AFTER A PUBLIC HEARING, WHICH MAY BE WAIVED BY THE~~
32 ~~COMMITTEE IF THE INTEREST OF JUSTICE SO REQUIRES; AND~~

33 (II) ~~BY A VOTE OF A MAJORITY OF THE COMMITTEE.~~

1 (A) (1) THE COMMITTEE MAY PROPOSE THE ADOPTION, AMENDMENT, OR
2 REPEAL OF RULES OF LEGISLATIVE ETHICS.

3 (2) CHANGES TO THE RULES SHALL BE PRESENTED IN THE FORM OF A
4 JOINT RESOLUTION AND SHALL BECOME EFFECTIVE AFTER ADOPTION OF THE
5 JOINT RESOLUTION BY A CONSTITUTIONAL MAJORITY OF EACH HOUSE VOTING
6 SEPARATELY.

7 (3) BEFORE PRESENTING A CHANGE TO THE RULES, THE COMMITTEE
8 SHALL CONDUCT A PUBLIC HEARING.

9 (b) (4) The rules may supplement but may not be inconsistent with the
10 provisions of the Maryland Public Ethics Law that relate to members of the General
11 Assembly.

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

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

16 2-709. COUNSEL TO THE ETHICS COMMITTEE.

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

20 (B) THE COUNSEL:

21 (1) SHALL DEVOTE FULL TIME TO THE DUTIES OF THE COMMITTEE, BUT
22 MAY NOT PARTICIPATE IN ANY INVESTIGATORY OR PROSECUTORIAL FUNCTION;

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

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

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

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

32 (II) ASSIST THE MEMBER IN PREPARING STATEMENTS AND
33 REPORTS REQUIRED TO BE FILED WITH THE COMMITTEE UNDER TITLE 15, SUBTITLE
34 5, PART II OF THIS ARTICLE; AND

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

4 (C) THE ASSISTANCE OF THE COUNSEL TO MEMBERS OF THE GENERAL
5 ASSEMBLY:

6 (1) IS SUBJECT TO THE ATTORNEY CLIENT PRIVILEGE, AS SET FORTH IN
7 § 9-108 OF THE COURTS ARTICLE;

8 (4) (2) IS SUBJECT TO CONFIDENTIALITY UNDER § 15-516 OF THIS
9 ARTICLE; AND

10 (5) (3) IS INTENDED AS A SERVICE TO THE MEMBERS AND MAY NOT BE
11 DEEMED TO DIMINISH A MEMBER'S PERSONAL RESPONSIBILITY FOR ADHERENCE TO
12 APPLICABLE LAWS, RULES, AND STANDARDS OF ETHICAL CONDUCT.

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

16 (W) "LEGISLATIVE UNIT" MEANS:

17 (1) THE GENERAL ASSEMBLY;

18 (2) EITHER HOUSE OF THE GENERAL ASSEMBLY;

19 (3) A STANDING COMMITTEE OF THE GENERAL ASSEMBLY, PROVIDED
20 THAT THE PRESIDING OFFICER OF THE HOUSE OF DELEGATES OR SENATE SHALL BE
21 DEEMED AN EX OFFICIO MEMBER OF ANY STANDING COMMITTEE OF THE PRESIDING
22 OFFICER'S CHAMBER; OR

23 (4) A COUNTY OR REGIONAL DELEGATION OF MEMBERS OF THE
24 GENERAL ASSEMBLY THAT IS RECOGNIZED BY A PRESIDING OFFICER OF THE
25 GENERAL ASSEMBLY.

26 15-504. Employment restriction - Representation or assistance.

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

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

33 [(2)] (3) Paragraph [(1)] (2) of this subsection does not apply to
34 assistance to or representation of a party:

1 (i) in a judicial or quasi-judicial proceeding, INCLUDING A
2 PROCEEDING BEFORE AN ADMINISTRATIVE LAW JUDGE IN THE OFFICE OF
3 ADMINISTRATIVE HEARINGS, OR A MATTER PRELIMINARY, INCIDENTAL, OR
4 COLLATERAL TO A JUDICIAL OR QUASI-JUDICIAL PROCEEDING; or

5 (ii) in a matter before or involving the Workers' Compensation
6 Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries
7 Compensation Board.

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

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

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

16 (II) IN A JUDICIAL OR QUASI-JUDICIAL PROCEEDING, INCLUDING A
17 PROCEEDING BEFORE AN ADMINISTRATIVE LAW JUDGE IN THE OFFICE OF
18 ADMINISTRATIVE HEARINGS, OR A MATTER PRELIMINARY, INCIDENTAL, OR
19 COLLATERAL TO A JUDICIAL OR QUASI-JUDICIAL PROCEEDING;

20 (III) IN A MATTER BEFORE OR INVOLVING THE WORKERS'
21 COMPENSATION COMMISSION, THE MARYLAND AUTOMOBILE INSURANCE FUND, OR
22 THE CRIMINAL INJURIES COMPENSATION BOARD; OR

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

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

29 2. IF THE MEMBER WAS APPOINTED TO FILL A VACANCY,
30 THE DATE OF APPOINTMENT.

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

34 (I) PROCUREMENT; OR

35 (II) THE ADOPTION OF REGULATIONS.

36 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO AN
37 ADMINISTRATIVE PROCEEDING CONDUCTED IN ACCORDANCE WITH TITLE 10,

1 SUBTITLE 2 (ADMINISTRATIVE PROCEDURE ACT -- CONTESTED CASES) OF THIS
2 ARTICLE.

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

7 (i) the matter involves State government; and

8 (ii) the former official or employee participated significantly in the
9 matter as an official or employee.

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

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

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

22 15-505. Solicitation or acceptance of gifts or honoraria.

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

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

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

30 ~~(3) (f) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii) OF THIS~~
31 ~~PARAGRAPH, A MEMBER OF THE GENERAL ASSEMBLY MAY SOLICIT OR FACILITATE~~
32 ~~THE SOLICITATION OF A GIFT FROM A REGULATED LOBBYIST ON BEHALF OF A~~
33 ~~CHARITABLE, CIVIC, OR EDUCATIONAL ENTITY.~~

34 ~~(ii) A MEMBER OF THE GENERAL ASSEMBLY MAY NOT:~~

35 ~~1. RECEIVE REMUNERATION FROM THE ENTITY ON BEHALF~~
36 ~~OF WHICH THE SOLICITATION IS MADE;~~

1 ~~2. SOLICIT OR FACILITATE THE SOLICITATION OF A GIFT~~
2 ~~UNDER THIS PARAGRAPH WHILE THE GENERAL ASSEMBLY IS IN SESSION, OTHER~~
3 ~~THAN THROUGH A BROAD BASED SOLICITATION THAT IS NOT DIRECTED SOLELY OR~~
4 ~~PRIMARILY AT REGULATED LOBBYISTS; OR~~

5 ~~3. SOLICIT OR FACILITATE THE SOLICITATION OF A GIFT~~
6 ~~FROM AN INDIVIDUAL REGULATED LOBBYIST DESCRIBED IN § 15-701(A)(1) OF THIS~~
7 ~~TITLE.~~

8 ~~(III) A MEMBER OF THE GENERAL ASSEMBLY WHO SOLICITS OR~~
9 ~~FACILITATES THE SOLICITATION OF A GIFT UNDER THIS PARAGRAPH FROM A~~
10 ~~REGULATED LOBBYIST SHALL DISCLOSE THE ACTIVITY TO THE JOINT ETHICS~~
11 ~~COMMITTEE.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

6 2. FOR OFFICIALS OF THE LEGISLATIVE BRANCH, FOOD OR
7 BEVERAGES RECEIVED AND CONSUMED BY THE OFFICIAL ~~OR EMPLOYEE~~ IN THE
8 PRESENCE OF THE DONOR OR SPONSORING ENTITY AS PART OF A RECEPTION TO
9 WHICH WERE INVITED ALL MEMBERS OF A LEGISLATIVE UNIT;

10 3. FOR A MEMBER OF THE GENERAL ASSEMBLY, FOOD OR
11 BEVERAGES RECEIVED FROM A DONOR OR SPONSORING ENTITY, OTHER THAN AN
12 INDIVIDUAL REGULATED LOBBYIST DESCRIBED IN § 15-701(A)(1) OF THIS TITLE,
13 DURING A PERIOD WHEN THE GENERAL ASSEMBLY IS NOT IN SESSION, AT A
14 LOCATION THAT IS WITHIN A COUNTY THAT CONTAINS THE MEMBER'S DISTRICT,
15 PROVIDED THAT THE DONOR OR SPONSORING ENTITY IS LOCATED WITHIN A
16 COUNTY THAT CONTAINS THE MEMBER'S DISTRICT;

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

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

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

23 (v) trivial gifts of informational value;

24 (vi) in return for participation on a panel or a speaking engagement
25 at a meeting, reasonable expenses for food, travel, lodging, or scheduled
26 entertainment of the official or employee if the expenses are associated with the
27 meeting, except that, if such expenses for a State official of the Legislative or
28 Executive Branch are to be paid by a regulated lobbyist and are anticipated to exceed
29 \$500, the official shall notify the appropriate advisory body before attending the
30 meeting;

31 (vii) [subject to paragraph (3) of this subsection,] tickets or free
32 admission extended to an elected constitutional officer ~~FROM THE PERSON~~ A PERSON,
33 OTHER THAN A REGULATED LOBBYIST, SPONSORING OR CONDUCTING THE EVENT,
34 as a courtesy or ceremony to the office, to attend a professional or intercollegiate
35 sporting event, or a charitable, cultural, or political event;

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

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

- 1 2. the gift is purely personal and private in nature;
- 2 (ix) a gift from:
- 3 1. an individual related to the official or employee by blood or
4 marriage; or
- 5 2. any other individual who is a member of the household of
6 the official or employee; or
- 7 (x) to the extent provided in subsection (d) of this section,
8 honoraria.

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

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

15 (ii) during the interaction, no previous or subsequent business
16 related to the legislature is discussed.]

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

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

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

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

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

30 [(2)] (3) Other than as allowed by paragraph [(1)] (2) of this subsection,
31 an honorarium may not be accepted, even if permitted by subsection (c)(1) of this
32 section, if:

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

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

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

5 15-506. Use of prestige of office.

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

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

11 15-511. Disqualification - Presumption of conflict.

12 (A) (1) IN THIS SECTION, "CLOSE ECONOMIC ASSOCIATION" ~~INCLUDES~~
13 MEANS:

14 (I) A LEGISLATOR'S:

15 1. EMPLOYER;

16 2. EMPLOYEE; OR

17 3. PARTNER IN A BUSINESS OR PROFESSIONAL ENTERPRISE;

18 (II) A PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR
19 LIMITED LIABILITY COMPANY IN WHICH A LEGISLATOR HAS INVESTED CAPITAL OR
20 OWNS AN INTEREST;

21 (III) A CORPORATION IN WHICH A LEGISLATOR OWNS THE LESSER
22 OF:

23 1. 10% OR MORE OF THE OUTSTANDING CAPITAL STOCK; OR

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

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

28 (2) "CLOSE ECONOMIC ASSOCIATION" DOES NOT ~~INCLUDE~~ MEAN STOCK
29 OWNED DIRECTLY THROUGH A MUTUAL FUND, RETIREMENT PLAN, OR OTHER
30 SIMILAR COMMINGLED INVESTMENT VEHICLE THE INDIVIDUAL INVESTMENTS OF
31 WHICH THE LEGISLATOR DOES NOT CONTROL OR MANAGE.

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

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

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

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

11 (I) A PROFESSION OR OCCUPATION OF WHICH THE LEGISLATOR IS
 12 A MEMBER; OR

13 (II) THE GENERAL PUBLIC OR A LARGE CLASS OF THE GENERAL
 14 PUBLIC[.];

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

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

33 [(3)] (4) soliciting, accepting, or agreeing to accept [any gift, loan, or
 34 payment of a significant value] A LOAN from a person who would be affected by or
 35 has an interest in an enterprise which would be affected by the legislator's [vote on
 36 proposed legislation] PARTICIPATION IN LEGISLATIVE ACTION.

37 15-512. Suspension of disqualification.

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

40 (I) THE LEGISLATOR;

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

2 (III) THE LEGISLATOR'S EMPLOYER.

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

10 (B) (1) Whenever a legislator files a statement for the suspension of the
 11 disqualification, the Joint Ethics Committee on its own motion may issue a statement
 12 concerning the propriety of the legislator's participation in the particular legislative
 13 action, with reference to the applicable ethical standards of this matter.

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

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

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

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

28 ~~(3) THE JOINT ETHICS COMMITTEE SHALL MAKE AVAILABLE AS A~~
 29 ~~PUBLICLY AVAILABLE INTERNET DOCUMENT EACH STATEMENT FILED UNDER THIS~~
 30 ~~SECTION.~~

31 15-513. Relationships with nonlegislative agencies.

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

35 (i) procurement; or

36 (ii) the adoption of regulations.

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

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

8 (I) AN EXECUTIVE UNIT; OR

9 (II) A POLITICAL SUBDIVISION OF THE STATE.

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

13 ~~(I) EDUCATIONAL INSTRUCTION PROVIDED BY THE MEMBER,~~
14 ~~CANDIDATE, OR MEMBER-ELECT; OR~~

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

18 (3) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO
19 COMPENSATION TO A MEMBER, CANDIDATE, OR MEMBER-ELECT PURSUANT TO:

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

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

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

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

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

33 (1) [unless the representation is prohibited under subsection (a) of this
34 section,] if representing a person for compensation before a State OR LOCAL
35 GOVERNMENT agency, except in a judicial proceeding or in a quasi-judicial
36 proceeding, the name of the person represented, the services performed, and the
37 consideration. The Joint Ethics Committee may adopt procedures to keep confidential

1 the name of the person represented if that information is privileged or confidential
2 pursuant to any provision of law governing proceedings before that State agency.

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

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

8 (i) the lesser of:

9 1. 10 percent or more of the capital stock of any corporation;
10 or

11 2. capital stock of any corporation with a cumulative value of
12 [\$10,000] \$25,000 or more; and

13 (ii) any interest in a partnership, limited liability partnership, or
14 limited liability company.

15 (4) details of any contractual relationship with the State or a State
16 agency, OR A LOCAL GOVERNMENT IN THE STATE, including the subject matter and
17 the consideration.

18 (5) details of any transaction with the State, OR A LOCAL GOVERNMENT
19 IN THE STATE, involving a monetary consideration[, excluding those enumerated by
20 the Joint Ethics Committee in the guidelines established pursuant to § 2-706 of this
21 article].

22 ~~(6) TO THE EXTENT NOT REPORTED UNDER ITEMS (1) THROUGH (5) OF~~
23 ~~THIS SUBSECTION, EACH SOURCE OF EARNED INCOME OF \$500 OR MORE.~~

24 (c) (1) All reports filed under this section shall be a matter of public record.

25 (2) THE JOINT ETHICS COMMITTEE SHALL DEVELOP PROCEDURES
26 UNDER WHICH A REPORT REQUIRED UNDER THIS SECTION MAY BE FILED
27 ELECTRONICALLY WITHOUT ANY ADDITIONAL COST TO THE LEGISLATOR.

28 ~~(3) THE JOINT ETHICS COMMITTEE SHALL MAKE AVAILABLE AS A~~
29 ~~PUBLICLY AVAILABLE INTERNET DOCUMENT:~~

30 ~~(I) EACH REPORT FILED UNDER THIS SECTION; AND~~

31 ~~(II) THE PORTIONS OF A MEMBER'S FINANCIAL DISCLOSURE~~
32 ~~STATEMENT FILED UNDER § 15-607 (E), (F), (H), (I), AND (K) OF THIS TITLE.~~

33 [15-514.

34 (a) A legislator in doubt as to the propriety of any action proposed to be taken
35 by the legislator and involving a possible violation of applicable standards of ethical

1 conduct for legislators established by law or rule may request in writing that the
2 Joint Ethics Committee render an advisory opinion on the facts. The advisory opinion,
3 with deletions and changes necessary to protect the legislator's identity, shall be filed
4 with the presiding officer of the legislator's branch of the legislature for recordation
5 with the Clerk of the House of Delegates or Secretary of the Senate. In addition, the
6 Joint Ethics Committee on its own motion may render advisory opinions as it deems
7 necessary. Each advisory opinion shall be kept and indexed in relation to the subject
8 matter for the purpose of building a body of case law.

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

12 15-514. JOINT ETHICS COMMITTEE - WRITTEN OPINIONS.

13 (A) (1) A LEGISLATOR MAY REQUEST A WRITTEN OPINION FROM THE JOINT
14 ETHICS COMMITTEE WITH RESPECT TO THE PROPRIETY OF ANY CURRENT OR
15 PROPOSED CONDUCT OF THE LEGISLATOR AND INVOLVING THE APPLICABLE
16 STANDARDS OF ETHICAL CONDUCT FOR LEGISLATORS ESTABLISHED BY LAW, RULE,
17 OR OTHER STANDARD OF ETHICAL CONDUCT.

18 (2) A REQUEST FOR AN OPINION SHALL:

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

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

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

23 (IV) INCLUDE A COMPLETE AND ACCURATE STATEMENT OF THE
24 RELEVANT FACTS.

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

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

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

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

35 (6) (I) THE CO-CHAIRMEN OF THE JOINT ETHICS COMMITTEE MAY
36 APPROVE AN OPINION ON BEHALF OF THE COMMITTEE IF THEY DETERMINE THAT

1 THE OPINION IS CONSISTENT WITH PRIOR PRECEDENT AND THEREFORE DOES NOT
2 REQUIRE CONSIDERATION BY THE FULL COMMITTEE.

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

7 (III) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH,
8 IF A CO-CHAIRMAN OF THE JOINT ETHICS COMMITTEE IS THE LEGISLATOR
9 REQUESTING THE OPINION, THE OPINION MUST BE APPROVED BY A MAJORITY OF
10 THE COMMITTEE.

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

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

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

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

20 (II) THE COMPILATION OF OPINIONS SHALL BE DISTRIBUTED TO
21 EACH MEMBER OF THE GENERAL ASSEMBLY AND SHALL BE AVAILABLE TO THE
22 PUBLIC.

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

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

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

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

1 [15-515.

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

7 15-515. COMPLAINTS.

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

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

13 (2) MOTION OF A MAJORITY OF THE MEMBERSHIP OF THE JOINT ETHICS
14 COMMITTEE; OR

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

18 (B) (1) THE JOINT ETHICS COMMITTEE SHALL PROVIDE A COPY OF EACH
19 COMPLAINT FILED UNDER SUBSECTION (A) OF THIS SECTION TO THE PRESIDING
20 OFFICER OF THE HOUSE OF THE LEGISLATOR WHO IS THE SUBJECT OF THE
21 COMPLAINT.

22 (2) BASED ON THE INFORMATION CONTAINED IN A COMPLAINT
23 PROVIDED TO A PRESIDING OFFICER UNDER PARAGRAPH (1) OF THIS SUBSECTION, IF
24 A PRESIDING OFFICER DETERMINES THAT IT IS INAPPROPRIATE FOR A JOINT ETHICS
25 COMMITTEE MEMBER FROM THAT HOUSE TO CONSIDER A PARTICULAR MATTER, THE
26 PRESIDING OFFICER SHALL APPOINT A SUBSTITUTE MEMBER OF THE JOINT ETHICS
27 COMMITTEE FOR THE PURPOSES OF CONSIDERATION OF THE MATTER.

28 [15-516.

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

36 15-516. CONFIDENTIALITY.

37 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY MATTER
38 BEFORE THE JOINT ETHICS COMMITTEE, INCLUDING INFORMATION RELATING TO

1 ANY COMPLAINT, PROCEEDING, OR RECORD OF THE JOINT ETHICS COMMITTEE
2 SHALL REMAIN CONFIDENTIAL.

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

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

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

9 (3) INFORMATION RELATING TO ANY COMPLAINT, PROCEEDING, OR
10 RECORD OF THE JOINT ETHICS COMMITTEE INVOLVING AN INDIVIDUAL MEMBER OF
11 THE GENERAL ASSEMBLY, IF CONSENT TO PUBLIC ACCESS AND INSPECTION IS
12 GRANTED BY:

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

14 (II) THE JOINT COMMITTEE, UPON ~~TWO-THIRDS~~ THREE-FOURTHS
15 VOTE OF THE MEMBERSHIP OF THE JOINT COMMITTEE BASED ON CRITERIA
16 ESTABLISHED BY RULE;

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

18 (5) ANY MATTER OR RECORD THAT IS OTHERWISE AVAILABLE FOR
19 PUBLIC ACCESS OR INSPECTION AS SPECIFICALLY AUTHORIZED UNDER THIS
20 SUBTITLE.

21 15-517. Review of complaints.

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

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

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

31 (3) the matters alleged are not within the jurisdiction of the Joint Ethics
32 Committee;

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

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

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

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

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

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

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

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

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

20 15-518. Allegation summary.

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

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

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

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

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

1 2. no answer is timely filed].

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

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

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

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

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

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

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

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

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

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

29 (3) further proceedings are justified.]

30 [15-519.

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

1 [15-520.

2 (a) The presiding officer shall review each report submitted pursuant to §
3 15-519 of this subtitle.

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

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

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

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

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

16 [15-521.

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

19 (b) If the matter has been referred to the investigating committee pursuant to
20 § 15-520(c)(2) of this subtitle, the investigating committee shall review the report of
21 the Joint Ethics Committee and determine initially whether, based upon the reasons
22 of the presiding officer or otherwise, further proceedings are justified. If the
23 investigating committee determines that further proceedings are not justified, it shall
24 so report to the presiding officer, and the proceedings shall be terminated.

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

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

36 (1) if the investigating committee concludes that there has been no
37 violation, the investigating committee shall report its findings, conclusions, and

1 recommendations to the presiding officer of that branch of the legislature, and the
2 proceedings shall be terminated.

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

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

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

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

15 [15-522.

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

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

27 (c) The investigating committee thus created and constituted shall perform
28 the functions assigned under this Part II and consider such other matters relating to
29 that branch of the legislature as may be assigned to it by the presiding officers acting
30 jointly or by the presiding officer of that branch with the approval of the minority
31 leader of that branch. The investigating committee shall perform no other function.]
32 15-519. HEARING PROCEDURES.

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

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

38 (1) SHALL BE AVAILABLE FOR PUBLIC INSPECTION;

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

3 (3) SHALL AUTHORIZE A LEGISLATOR TO:

4 (I) BE REPRESENTED BY COUNSEL;

5 (II) CROSS-EXAMINE WITNESSES; AND

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

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

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

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

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

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

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

26 (III) WITH THE FOLLOWING DOCUMENTS:

27 1. A COPY OF THIS TITLE;

28 2. A COPY OF THE RULES OF THE JOINT ETHICS COMMITTEE;
29 AND

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

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

1 (5) A PERSON MAY BE HELD IN CONTEMPT IF THE PERSON
2 UNJUSTIFIABLY:

3 (I) FAILS OR REFUSES TO COMPLY WITH A SUBPOENA FOR
4 APPEARANCE;

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

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

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

14 15-520. FINDING AND RECOMMENDATIONS.

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

16 (1) INFORMATION PRESENTED DURING THE HEARING;

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

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

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

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

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

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

28 (2) ISSUE ANY RECOMMENDATIONS TO THE PRESIDING OFFICER OF
29 THE HOUSE OF THE LEGISLATOR OR TO THE FULL HOUSE OF THE LEGISLATOR,
30 INCLUDING ANY RECOMMENDATIONS FOR APPROPRIATE SANCTIONS.

31 15-521. REFERRAL TO PROSECUTING AUTHORITIES.

32 IF THE JOINT ETHICS COMMITTEE, AT ANY TIME DURING ITS CONSIDERATION
33 OF ANY COMPLAINT OR ALLEGATION SUMMARY OR DURING ANY PROCEEDING,
34 FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT A LEGISLATOR

1 MAY HAVE COMMITTED A CRIMINAL OFFENSE, THE JOINT ETHICS COMMITTEE
2 SHALL:

3 (1) REFER THE MATTER TO AN APPROPRIATE PROSECUTING
4 AUTHORITY; AND

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

7 15-602. Financial disclosure statement - Filing requirements.

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

11 (1) be filed with the Ethics Commission;

12 (2) be filed under oath;

13 (3) be filed on or before April 30 of each year;

14 (4) cover the calendar year immediately preceding the year of filing; and

15 (5) contain the information required in § 15-607 of this subtitle.

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

19 (2) ~~NOTWITHSTANDING SUBSECTION (A)(3) OF THIS SECTION, A~~
20 STATEMENT FILED BY A MEMBER OF THE GENERAL ASSEMBLY SHALL BE FILED
21 WITH THE ETHICS COMMISSION AND THE JOINT ETHICS COMMITTEE ON OR BEFORE
22 ~~FEBRUARY 1~~ APRIL 30 OF EACH YEAR.

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

26 15-606. Public record.

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

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

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

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

3 (ii) the name of the individual whose statement was examined or
4 copied.

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

8 15-607. Content of statements.

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

12 (b) (1) The statement shall include a schedule of each interest in real
13 property, wherever located, including each interest held in the name of a partnership,
14 limited liability partnership, or limited liability company in which the individual held
15 an interest.

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

17 (i) the nature of the property;

18 (ii) the street address, mailing address, or legal description of the
19 property;

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

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

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

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

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

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

30 1. a description of the interest transferred;

31 2. the nature and amount of the consideration received for
32 the interest; and

33 3. the identity of the entity to which the interest was
34 transferred; and

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

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

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

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

9 (ii) subject to paragraph (3) of this subsection, the nature and
10 amount of the interest held, including any conditions to and encumbrances on the
11 interest;

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

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

15 2. the identity of the entity from which the interest was
16 acquired;

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

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

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

23 1. a description of the interest transferred;

24 2. the nature and amount of the consideration received for
25 the interest; and

26 3. if known, the identity of the entity to which the interest
27 was transferred.

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

30 1. the number of shares held; and

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

33 (ii) As to an equity interest in a partnership, limited liability
34 partnership, or limited liability company, the individual may satisfy paragraph (2)(ii)

1 of this subsection by reporting, instead of a dollar amount, the percentage of equity
2 interest held.

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

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

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

12 (i) the name and address of the principal office of the business
13 entity;

14 (ii) the nature and amount of the interest held, including any
15 conditions to and encumbrances on the interest;

16 (iii) if any interest was acquired during the applicable period:

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

18 2. the identity of the entity from which the interest was
19 acquired;

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

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

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

26 1. a description of the interest transferred;

27 2. the nature and amount of the consideration received for
28 the interest; and

29 3. the identity of the entity to which the interest was
30 transferred.

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

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

1 (i) by the individual or by another entity at the direction of the
2 individual; and

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

- 4 1. a regulated lobbyist;
- 5 2. regulated by the State; or
- 6 3. otherwise an entity doing business with the State.

7 (3) (I) [The] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
8 PARAGRAPH, THE schedule shall include[:

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

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

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

15 1. FOOD OR BEVERAGES RECEIVED AND CONSUMED BY AN
16 OFFICIAL OF THE LEGISLATIVE BRANCH IN THE PRESENCE OF THE DONOR OR
17 SPONSORING ENTITY AS PART OF A RECEPTION TO WHICH WERE INVITED ALL
18 MEMBERS OF A LEGISLATIVE UNIT; ~~OR~~

19 2. ~~A TICKET OR FREE ADMISSION EXTENDED TO A STATE~~
20 ~~OFFICIAL OF THE LEGISLATIVE BRANCH AS A COURTESY OR CEREMONY TO THE~~
21 ~~OFFICE TO ATTEND A PROFESSIONAL OR INTERCOLLEGIATE SPORTING EVENT, OR A~~
22 ~~CHARITABLE, CULTURAL, OR POLITICAL EVENT TO WHICH WERE INVITED ALL~~
23 ~~MEMBERS OF A LEGISLATIVE UNIT.~~

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

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

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

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

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

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

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

6 (i) the individual; or

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

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

9 (i) the name and address of the principal office of the business
10 entity;

11 (ii) the nature of the position or interest and the date it commenced;

12 (iii) the name of each governmental unit with which the entity is
13 doing business; and

14 (iv) the nature of the business with the State, which, at a minimum,
15 shall be specified by reference to the applicable criteria of doing business described in
16 § 15-102(j) of this title.

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

21 (i) by the individual; and

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

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

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

26 (ii) the date it was incurred;

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

28 (iv) the terms of payment;

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

31 (vi) any security given.

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

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

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

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

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

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

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

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

23 15-704. Reports.

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

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

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

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

31 1. expenses reported under this paragraph; and

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

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

35 1. office expenses of the regulated lobbyist; and

- 1 professional and technical research and assistance;
- 2 (iii) publications that expressly encourage communication with one
3 or more officials or employees;
- 4 (iv) witnesses, including the name of each and the fees and
5 expenses paid to each;
- 6 (v) ~~EXCEPT AS TO OFFICIALS OF THE LEGISLATIVE BRANCH,~~ meals
7 and beverages for officials, employees, or members of the immediate families of
8 officials or employees;
- 9 (vi) ~~+~~ [special events, including parties, meals, athletic events,
10 entertainment, or other functions] ~~FOR OFFICIALS OF THE LEGISLATIVE BRANCH,~~
11 ~~FOOD, BEVERAGES, AND INCIDENTAL EXPENSES FOR A RECEPTION to which were~~
12 ~~invited all members of A LEGISLATIVE UNIT[:~~
- 13 1. the General Assembly;
- 14 2. either house of the General Assembly;
- 15 3. a standing committee of the General Assembly, provided
16 that the presiding officer of the House of Delegates or Senate shall be deemed an ex
17 officio member of any standing committee of the presiding officer's chamber; or
- 18 4. a county or regional delegation of members of the General
19 Assembly that is recognized by a presiding officer of the General Assembly]; ~~AND~~
- 20 ~~2. A TICKET OR FREE ADMISSION EXTENDED TO A STATE~~
21 ~~OFFICIAL OF THE LEGISLATIVE BRANCH AS A COURTESY OR CEREMONY TO THE~~
22 ~~OFFICE TO ATTEND A PROFESSIONAL OR INTERCOLLEGIATE SPORTING EVENT, OR A~~
23 ~~CHARITABLE, CULTURAL, OR POLITICAL EVENT TO WHICH WERE INVITED ALL~~
24 ~~MEMBERS OF A LEGISLATIVE UNIT;~~
- 25 (vii) 1. food, lodging, and scheduled entertainment of officials and
26 employees for a meeting, if given in return for participation in a panel or speaking
27 engagement at the meeting; and
- 28 2. if more than \$200 of the expenses reported in item 1 of this
29 subparagraph are for any one official or employee at any meeting, the individual's
30 name and the amount spent;
- 31 (viii) other gifts to or for officials, employees, or members of the
32 immediate families of officials or employees; and
- 33 (ix) other expenses;
- 34 (3) as to expenditures reported in paragraph (2)(vi) and (vii) of this
35 subsection, the date, location, and total expense of the regulated lobbyist for the event
36 or meeting; and

1 (4) subject to [subsections (d) and (e)] SUBSECTION (D) of this section,
 2 the name of each official, employee, or member of the immediate family of an official
 3 or employee, to or for whom, during a reporting period, one or more gifts with a
 4 cumulative value of \$75 or more are given, regardless of whether a gift is attributable
 5 to more than one entity and whether or not in connection with lobbying activities, by
 6 the regulated lobbyist or any entity acting on behalf of the regulated lobbyist,
 7 however, except as provided in paragraph (2)(vii)2 of this subsection ~~AND FOR EACH~~
 8 ~~OF TWO OR MORE TICKETS OR FREE ADMISSIONS EXTENDED TO A STATE OFFICIAL~~
 9 ~~OF THE LEGISLATIVE BRANCH WITH A CUMULATIVE VALUE OF \$100 OR MORE~~
 10 ~~RECEIVED FROM ONE ENTITY DURING THE APPLICABLE PERIOD AS PROVIDED IN~~
 11 ~~PARAGRAPH (2)(VI) OF THIS SUBSECTION~~, expenses reported in paragraph (2)(vi) and
 12 (vii) of this subsection need not be allocated to an individual.

13 [(d) (1) Subject to subsection (f) of this section, in addition to any other report
 14 required under this section, a regulated lobbyist shall file, with the report required by
 15 subsection (a) of this section, a report disclosing the name of any member of the
 16 General Assembly or member of the immediate family of a member of the General
 17 Assembly who has benefited during the reporting period from a gift of a ticket or
 18 admission to any event for which other persons are charged a fee exceeding \$15,
 19 whether or not in connection with lobbying activities, allowed under §
 20 15-505(c)(2)(vii) of this title from the regulated lobbyist.

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

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

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

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

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

29 (3) The regulated lobbyist may:

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

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

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

37 [(e) (D) (1) [(i)] Subject to subsection [(f)] (E) of this section ~~and to the~~
 38 ~~provisions of subparagraph (ii) of this paragraph~~, in addition to any other report
 39 required under this section, a regulated lobbyist shall file, with the report required by

1 subsection (a) of this section, a report disclosing the name of any State official of the
2 Executive [or Legislative] Branch or member of the immediate family of a State
3 official of the Executive [or Legislative Branch] who has benefited during the
4 reporting period from gifts of meals or beverages, whether or not in connection with
5 lobbying activities, allowed under § 15-505(c)(2)(i) of this title from the regulated
6 lobbyist.

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

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

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

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

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

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

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

23 (4) The regulated lobbyist may[:

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

27 (ii)] explain the circumstances under which the gift of a meal or
28 beverages was given.

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

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

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

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

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

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

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

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

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

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

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

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

18 ~~SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding §~~
19 ~~15-602(b)(2) of the State Government Article, as enacted by this Act, a member of the~~
20 ~~General Assembly shall file the financial disclosure statement covering calendar year~~
21 ~~1998 on or before April 30, 1999.~~

22 ~~SECTION 5. 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,~~
24 ~~has been passed by a yea and nay vote supported by three-fifths of all the members~~
25 ~~elected to each of the two Houses of the General Assembly, and shall take effect from~~
26 ~~the date it is enacted.~~

27 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect October 1, 1999.