

SENATE BILL 1
EMERGENCY BILL

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1999 Regular Session
9lr0624
CF 9lr0237

(PRE-FILED)

By: **The President and Senators Blount and Collins (Special Study
Commission on the Maryland Public Ethics Law)**

Requested: November 20, 1998

Introduced and read first time: January 13, 1999

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 16, 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
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 a member of the General Assembly to

1 file a certain preliminary financial disclosure under certain circumstances;
2 requiring the filing by a member of the General Assembly of a duplicate
3 financial disclosure statement with the Joint Committee; providing for access to
4 financial disclosure statements filed with the Joint Committee; providing for the
5 application of this Act; ~~making this Act an emergency measure;~~ and generally
6 relating to the Maryland Public Ethics Law.

7 BY renumbering
8 Article - State Government
9 Section 15-102(w) through (ll), respectively
10 to be Section 15-102(x) through (mm), respectively
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1998 Supplement)

13 BY adding to
14 Article - State Government
15 Section 2-107, 2-108, 2-709, 15-102(w), 15-514, 15-515, 15-516, 15-519,
16 15-520, and 15-521
17 Annotated Code of Maryland
18 (1995 Replacement Volume and 1998 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - State Government
21 Section 2-703, 2-707, 15-504, 15-505, 15-506, 15-511, 15-512, 15-513, 15-517,
22 15-518, 15-602, 15-606, 15-607, and 15-704(b), (e), (f), and (g)
23 Annotated Code of Maryland
24 (1995 Replacement Volume and 1998 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article - State Government
27 Section 15-102(s)
28 Annotated Code of Maryland
29 (1995 Replacement Volume and 1998 Supplement)

30 BY repealing
31 Article - State Government
32 Section 15-514, 15-515, 15-516, 15-519, 15-520, 15-521, 15-522, and
33 15-704(d)
34 Annotated Code of Maryland
35 (1995 Replacement Volume and 1998 Supplement)

36 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
37 MARYLAND, That Section(s) 15-102(w) through (ll), respectively, of Article - State
38 Government of the Annotated Code of Maryland be renumbered to be Section(s)
39 15-102(x) through (mm), respectively.

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

3 **Article - State Government**

4 2-107. GENERAL ASSEMBLY - EMPLOYMENT OF RELATIVES.

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

6 (1) A SPOUSE;

7 (2) A PARENT OR STEPPARENT;

8 (3) A SIBLING OR STEP SIBLING;

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

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

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

12 (7) A GRANDPARENT; OR

13 (8) A GRANDCHILD.

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

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

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

23 (II) DISCLOSES THE EMPLOYMENT TO THE JOINT COMMITTEE ON
24 LEGISLATIVE ETHICS.

25 2-108. USE OF PUBLIC FUNDS BY LEGISLATORS.

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

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

30 2-703. Membership.

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

1 [(i) from the Senate:

2 1. the President ex officio; and

3 2. 5 other senators appointed by the President; and]

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

5 [(ii) from the House:

6 1. the Speaker ex officio; and

7 2. 5 other delegates appointed by the Speaker.]

8 (II) SIX DELEGATES APPOINTED BY THE SPEAKER.

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

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

20 (b) (1) A member appointed by the President serves at the pleasure of the
21 President.

22 (2) A member appointed by the Speaker serves at the pleasure of the
23 Speaker.

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

26 2-707. Rules.

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

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

31 ~~(2) RULES MAY BE ADOPTED, MODIFIED, AMENDED, OR REPEALED~~
32 ~~ONLY:~~

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

1 ~~(H)~~ ~~BY A VOTE OF A MAJORITY OF THE COMMITTEE.~~

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

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

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

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

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

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

17 2-709. COUNSEL TO THE ETHICS COMMITTEE.

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

21 (B) THE COUNSEL:

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

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 CONFIDENTIALITY UNDER THE ATTORNEY-CLIENT
7 PRIVILEGE AND UNDER § 15-516 OF THIS ARTICLE; AND

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

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

14 (s) "Immediate family" means an individual's spouse and dependent children.

15 (W) "LEGISLATIVE UNIT" MEANS:

16 (1) THE GENERAL ASSEMBLY;

17 (2) EITHER HOUSE OF THE GENERAL ASSEMBLY;

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

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

25 15-504. Employment restriction - Representation or assistance.

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

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

32 [(2)] (3) Paragraph [(1)] (2) of this subsection does not apply to
33 assistance to or representation of a party:

34 (i) in a judicial or quasi-judicial proceeding, INCLUDING A
35 PROCEEDING BEFORE AN ADMINISTRATIVE LAW JUDGE IN THE OFFICE OF

1 ADMINISTRATIVE HEARINGS, OR A MATTER PRELIMINARY, INCIDENTAL, OR
2 COLLATERAL TO A JUDICIAL OR QUASI-JUDICIAL PROCEEDING; or

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

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

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

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

14 (II) IN MATTERS INVOLVING THE MEMBER'S REGULAR BUSINESS,
15 EMPLOYMENT, OR PROFESSION, IN WHICH CONTACT WITH A GOVERNMENTAL UNIT:

16 1. IS AN INCIDENTAL PART OF THE BUSINESS,
17 EMPLOYMENT, OR PROFESSION; AND

18 2. IS MADE IN THE MANNER THAT IS CUSTOMARY FOR
19 PERSONS IN THAT BUSINESS, EMPLOYMENT, OR PROFESSION;

20 ~~(H)~~ (III) IN A JUDICIAL OR QUASI-JUDICIAL PROCEEDING,
21 INCLUDING A PROCEEDING BEFORE AN ADMINISTRATIVE LAW JUDGE IN THE
22 OFFICE OF ADMINISTRATIVE HEARINGS, OR A MATTER PRELIMINARY, INCIDENTAL,
23 OR COLLATERAL TO A JUDICIAL OR QUASI-JUDICIAL PROCEEDING;

24 ~~(HH)~~ (IV) IN A MATTER BEFORE OR INVOLVING THE WORKERS'
25 COMPENSATION COMMISSION, THE MARYLAND AUTOMOBILE INSURANCE FUND, OR
26 THE CRIMINAL INJURIES COMPENSATION BOARD; OR

27 ~~(VV)~~ (V) IN A MATTER IN WHICH THE ASSISTANCE OR
28 REPRESENTATION, OTHER THAN FOR CONTINGENT COMPENSATION, WAS
29 COMMENCED BY THE MEMBER OF THE GENERAL ASSEMBLY BEFORE:

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

33 2. IF THE MEMBER WAS APPOINTED TO FILL A VACANCY,
34 THE DATE OF APPOINTMENT.

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

1 (I) PROCUREMENT; OR

2 (II) THE ADOPTION OF REGULATIONS.

3 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO AN
4 ADMINISTRATIVE PROCEEDING CONDUCTED IN ACCORDANCE WITH TITLE 10,
5 SUBTITLE 2 (ADMINISTRATIVE PROCEDURE ACT -- CONTESTED CASES) OF THIS
6 ARTICLE.

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

11 (i) the matter involves State government; and

12 (ii) the former official or employee participated significantly in the
13 matter as an official or employee.

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

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

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

26 15-505. Solicitation or acceptance of gifts or honoraria.

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

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

31 (3) AN OFFICIAL MAY NOT DIRECTLY SOLICIT OR FACILITATE THE
32 SOLICITATION OF A GIFT, ON BEHALF OF ANOTHER PERSON, FROM A PERSON
33 ~~REQUIRED TO BE REGULATED UNDER § 15-701~~ AN INDIVIDUAL REGULATED
34 LOBBYIST DESCRIBED IN § 15-701(A)(1) OF THIS ARTICLE.

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

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

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

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

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

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

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

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

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

17 2. the official or employee believes or has reason to believe
18 that the gift is designed to impair the impartiality and independent judgment of the
19 official or employee.

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

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

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

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

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

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

35 (v) trivial gifts of informational value;

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

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

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

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

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

18 ~~(ix)~~ (VIII) a gift from:

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

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

23 ~~(x)~~ (IX) to the extent provided in subsection (d) of this section,
 24 honoraria.

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

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

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

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

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

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

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

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

9 [(2)] (3) Other than as allowed by paragraph [(1)] (2) of this subsection,
10 an honorarium may not be accepted, even if permitted by subsection (c)(1) of this
11 section, if:

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

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

18 (E) A MEMBER OF THE GENERAL ASSEMBLY MAY NOT ACCEPT THE GIFT OF A
19 TICKET OR FREE ADMISSION TO A SPORTING EVENT, OR A CHARITABLE, CULTURAL,
20 OR POLITICAL EVENT, FROM:

21 (1) A REGULATED LOBBYIST; OR

22 (2) ANY OTHER ENTITY, INCLUDING A GOVERNMENTAL ENTITY, THAT
23 HAS AN INTEREST THAT MAY BE DIRECTLY AFFECTED BY THE MEMBER'S VOTE ON
24 PROPOSED LEGISLATION.

25 ~~(E)~~ (F) By regulation, the Ethics Commission may define further exemptions
26 from this section as may be necessary.

27 15-506. Use of prestige of office.

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

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

33 15-511. Disqualification - Presumption of conflict.

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

36 (I) A LEGISLATOR'S:

- 1 1. EMPLOYER;
 2 2. EMPLOYEE; OR
 3 3. PARTNER IN A BUSINESS OR PROFESSIONAL ENTERPRISE;

4 (II) A PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR
 5 LIMITED LIABILITY COMPANY IN WHICH A LEGISLATOR HAS INVESTED CAPITAL OR
 6 OWNS AN INTEREST;

7 (III) A CORPORATION IN WHICH A LEGISLATOR OWNS THE LESSER
 8 OF:

- 9 1. 10% OR MORE OF THE OUTSTANDING CAPITAL STOCK; OR
 10 2. CAPITAL STOCK WITH A CUMULATIVE VALUE OF \$25,000
 11 OR MORE; AND

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

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

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

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

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

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

31 (I) A PROFESSION OR OCCUPATION OF WHICH THE LEGISLATOR IS
 32 A MEMBER; OR

33 (II) THE GENERAL PUBLIC OR A LARGE CLASS OF THE GENERAL
 34 PUBLIC[.];

35 (2) benefiting financially from a close economic association with a person
 36 whom the legislator knows, ~~or from the facts is presumed to know~~, has a direct

1 interest in an enterprise or interest which would be affected by the legislator's [vote
 2 on proposed legislation] PARTICIPATION IN LEGISLATIVE ACTION, differently from
 3 other like enterprises or interests; [or]

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

17 [(3)] (4) soliciting, accepting, or agreeing to accept [any gift, loan, or
 18 payment of a significant value] A LOAN, OTHER THAN A LOAN FROM A COMMERCIAL
 19 LENDER IN THE NORMAL COURSE OF BUSINESS, from a person who would be affected
 20 by or has an interest in an enterprise which would be affected by the legislator's [vote
 21 on proposed legislation] PARTICIPATION IN LEGISLATIVE ACTION.

22 15-512. Suspension of disqualification.

23 (a) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
 24 PARAGRAPH, THE DISQUALIFICATION ARISING UNDER § 15-511 OF THIS SUBTITLE
 25 MAY NOT BE SUSPENDED IF THE CONFLICT IS DIRECT AND PERSONAL TO:

- 26 ~~(A)~~ 1. THE LEGISLATOR;
- 27 ~~(B)~~ 2. A MEMBER OF THE LEGISLATOR'S IMMEDIATE FAMILY; OR
- 28 ~~(C)~~ 3. THE LEGISLATOR'S EMPLOYER.
- 29 (II) THIS PARAGRAPH DOES NOT APPLY TO A VOTE ON:
- 30 1. THE ANNUAL OPERATING BUDGET BILL, IN ITS ENTIRETY;
 31 OR
- 32 2. THE ANNUAL CAPITAL BUDGET BILL, IN ITS ENTIRETY.

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

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

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

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

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

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

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

22 15-513. Relationships with nonlegislative agencies.

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

26 (i) procurement; or

27 (ii) the adoption of regulations.

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

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

35 (I) AN EXECUTIVE UNIT; OR

36 (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 POSITION THAT IS SUBJECT TO A MERIT SYSTEM HIRING
 7 PROCESS;

8 (III) A HUMAN SERVICES POSITION; OR

9 ~~(H)~~ (IV) A CAREER PROMOTION, CHANGE, OR PROGRESSION THAT
 10 IS A LOGICAL TRANSITION FROM A PRE-EXISTING RELATIONSHIP AS DESCRIBED IN
 11 PARAGRAPH (3)(II) OF THIS SUBSECTION.

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

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

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

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

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

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

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

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

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

4 (i) the lesser of:

5 1. 10 percent or more of the capital stock of any corporation;
 6 or

7 2. capital stock of any corporation with a cumulative value of
 8 [\$10,000] \$25,000 or more; and

9 (ii) any interest in a partnership, limited liability partnership, or
 10 limited liability company.

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

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

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

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

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

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

26 ~~(4) EACH REPORT FILED UNDER THIS SECTION; AND~~

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

29 [15-514.

30 (a) A legislator in doubt as to the propriety of any action proposed to be taken
 31 by the legislator and involving a possible violation of applicable standards of ethical
 32 conduct for legislators established by law or rule may request in writing that the
 33 Joint Ethics Committee render an advisory opinion on the facts. The advisory opinion,
 34 with deletions and changes necessary to protect the legislator's identity, shall be filed
 35 with the presiding officer of the legislator's branch of the legislature for recordation
 36 with the Clerk of the House of Delegates or Secretary of the Senate. In addition, the

1 Joint Ethics Committee on its own motion may render advisory opinions as it deems
2 necessary. Each advisory opinion shall be kept and indexed in relation to the subject
3 matter for the purpose of building a body of case law.

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

7 15-514. JOINT ETHICS COMMITTEE - WRITTEN OPINIONS.

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

13 (2) A REQUEST FOR AN OPINION SHALL:

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

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

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

18 (IV) INCLUDE A COMPLETE AND ACCURATE STATEMENT OF THE
19 RELEVANT FACTS.

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

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

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

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

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

34 (II) AN OPINION FOR WHICH APPROVAL BY THE CO-CHAIRMEN
35 UNDER THIS PARAGRAPH IS ANTICIPATED SHALL BE DISTRIBUTED TO EACH

1 MEMBER OF THE JOINT ETHICS COMMITTEE NOT LATER THAN THE NEXT MEETING
2 OF THE JOINT ETHICS COMMITTEE.

3 (III) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH,
4 IF A CO-CHAIRMAN OF THE JOINT ETHICS COMMITTEE IS THE LEGISLATOR
5 REQUESTING THE OPINION, THE OPINION MUST BE APPROVED BY A MAJORITY OF
6 THE COMMITTEE.

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

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

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

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

16 (II) THE COMPILATION OF OPINIONS SHALL BE DISTRIBUTED TO
17 EACH MEMBER OF THE GENERAL ASSEMBLY AND SHALL BE AVAILABLE TO THE
18 PUBLIC.

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

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

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

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

32 [15-515.

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

1 15-515. COMPLAINTS.

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

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

7 (2) MOTION OF A MAJORITY OF THE MEMBERSHIP OF THE JOINT ETHICS
8 COMMITTEE; OR

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

12 (B) (1) THE JOINT ETHICS COMMITTEE SHALL PROVIDE A COPY OF EACH
13 COMPLAINT FILED UNDER SUBSECTION (A) OF THIS SECTION TO THE PRESIDING
14 OFFICER OF THE HOUSE OF THE LEGISLATOR WHO IS THE SUBJECT OF THE
15 COMPLAINT.

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

22 [15-516.

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

30 15-516. CONFIDENTIALITY.

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

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

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

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

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

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

8 (II) THE JOINT COMMITTEE, UPON ~~TWO-THIRDS~~ THREE-FOURTHS
9 VOTE OF THE MEMBERSHIP OF THE JOINT COMMITTEE;

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

11 (5) ANY MATTER OR RECORD THAT IS OTHERWISE AVAILABLE FOR
12 PUBLIC ACCESS OR INSPECTION AS SPECIFICALLY AUTHORIZED UNDER THIS
13 SUBTITLE.

14 15-517. Review of complaints.

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

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

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

24 (3) the matters alleged are not within the jurisdiction of the Joint Ethics
25 Committee;

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

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

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

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

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

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

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

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

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

12 (D) AFTER REVIEW OF A COMPLAINT, THE JOINT ETHICS COMMITTEE SHALL
13 PROVIDE A STATEMENT OF ITS FINDINGS TO THE LEGISLATOR AGAINST WHOM THE
14 COMPLAINT HAS BEEN FILED.

15 15-518. Allegation summary.

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

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

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

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

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

33 2. no answer is timely filed].

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

36 (3) (C) (1) The Joint Ethics Committee may amend the
37 [preliminary] ALLEGATION summary at any time [prior to the hearing]. [If the

1 preliminary summary is amended, the process established in paragraphs (1) and (2)
2 of this subsection shall be repeated.]

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

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

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

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

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

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

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

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

24 (3) further proceedings are justified.]

25 [15-519.

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

30 [15-520.

31 (a) The presiding officer shall review each report submitted pursuant to §
32 15-519 of this subtitle.

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

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

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

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

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

10 [15-521.

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

13 (b) If the matter has been referred to the investigating committee pursuant to
14 § 15-520(c)(2) of this subtitle, the investigating committee shall review the report of
15 the Joint Ethics Committee and determine initially whether, based upon the reasons
16 of the presiding officer or otherwise, further proceedings are justified. If the
17 investigating committee determines that further proceedings are not justified, it shall
18 so report to the presiding officer, and the proceedings shall be terminated.

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

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

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

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

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

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

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

8 [15-522.

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

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

20 (c) The investigating committee thus created and constituted shall perform
21 the functions assigned under this Part II and consider such other matters relating to
22 that branch of the legislature as may be assigned to it by the presiding officers acting
23 jointly or by the presiding officer of that branch with the approval of the minority
24 leader of that branch. The investigating committee shall perform no other function.]
25 15-519. HEARING PROCEDURES.

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

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

31 (1) SHALL BE AVAILABLE FOR PUBLIC INSPECTION;

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

34 (3) SHALL AUTHORIZE A LEGISLATOR TO:

35 (I) BE REPRESENTED BY COUNSEL;

36 (II) CROSS-EXAMINE WITNESSES; AND

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

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

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

13 (II) IF THE JOINT ETHICS COMMITTEE EXERCISES SUBPOENA
14 POWERS UNDER THIS PARAGRAPH, THE LEGISLATOR WHO IS THE SUBJECT OF THE
15 INVESTIGATION MAY REQUIRE THE JOINT ETHICS COMMITTEE TO ISSUE ONE OR
16 MORE SUBPOENAS ON THAT LEGISLATOR'S BEHALF.

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

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

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

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

25 (III) WITH THE FOLLOWING DOCUMENTS:

26 1. A COPY OF THIS TITLE;

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

28 AND

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

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

34 (5) A PERSON MAY BE HELD IN CONTEMPT IF THE PERSON
35 UNJUSTIFIABLY:

- 1 (I) FAILS OR REFUSES TO COMPLY WITH A SUBPOENA FOR
2 APPEARANCE;
- 3 (II) APPEARS BUT FAILS OR REFUSES TO TESTIFY UNDER OATH; OR
- 4 (III) UNLESS THE DIRECTIVE IS OVERRULED BY A MAJORITY VOTE
5 OF THE MEMBERS OF THE JOINT ETHICS COMMITTEE WHO ARE PRESENT AT THE
6 HEARING, DISOBEYS A DIRECTIVE OF THE PRESIDING CHAIRMAN AT THE HEARING
7 TO ANSWER A RELEVANT QUESTION OR TO PRODUCE A RECORD, INCLUDING
8 ELECTRONIC RECORD THAT HAS BEEN SUBPOENAED.

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

12 15-520. FINDING AND RECOMMENDATIONS.

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

- 14 (1) INFORMATION PRESENTED DURING THE HEARING;
- 15 (2) THE ALLEGATION SUMMARY AND ANY AMENDMENTS THERETO;
- 16 (3) THE WRITTEN ANSWER OF THE LEGISLATOR TO THE ALLEGATION
17 SUMMARY, IF ANY; AND
- 18 (4) ANY OTHER INFORMATION PROVIDED TO THE JOINT ETHICS
19 COMMITTEE AND MADE AVAILABLE TO THE LEGISLATOR.

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

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

- 25 (1) TERMINATE THE PROCEEDING AGAINST A LEGISLATOR; OR
- 26 (2) ISSUE ANY RECOMMENDATIONS TO THE PRESIDING OFFICER OF
27 THE HOUSE OF THE LEGISLATOR OR TO THE FULL HOUSE OF THE LEGISLATOR,
28 INCLUDING ANY RECOMMENDATIONS FOR APPROPRIATE SANCTIONS.

29 15-521. REFERRAL TO PROSECUTING AUTHORITIES.

30 IF THE JOINT ETHICS COMMITTEE, AT ANY TIME DURING ITS CONSIDERATION
31 OF ANY COMPLAINT OR ALLEGATION SUMMARY OR DURING ANY PROCEEDING,
32 FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT A LEGISLATOR
33 MAY HAVE COMMITTED A CRIMINAL OFFENSE, THE JOINT ETHICS COMMITTEE
34 SHALL:

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

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

5 15-602. Financial disclosure statement - Filing requirements.

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

9 (1) be filed with the Ethics Commission;

10 (2) be filed under oath;

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

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

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

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

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

21 (C) (1) IN ADDITION TO THE STATEMENT FILED UNDER § 15-601 OF THIS
22 SUBTITLE, A MEMBER OF THE GENERAL ASSEMBLY SHALL FILE A PRELIMINARY
23 DISCLOSURE ON OR BEFORE THE SEVENTH DAY OF THE REGULAR LEGISLATIVE
24 SESSION IF THERE WILL BE A SUBSTANTIAL CHANGE IN THE STATEMENT COVERING
25 THE CALENDAR IMMEDIATELY PRECEDING THE YEAR OF FILING, AS COMPARED TO
26 THE NEXT PRECEDING CALENDAR YEAR.

27 (2) A MEMBER OF THE GENERAL ASSEMBLY WHOSE STATEMENT UNDER
28 § 15-601 OF THIS SUBTITLE WILL NOT CONTAIN A SUBSTANTIAL CHANGE IS NOT
29 REQUIRED TO FILE A PRELIMINARY DISCLOSURE UNDER PARAGRAPH (1) OF THIS
30 SUBSECTION.

31 (3) THE JOINT ETHICS COMMITTEE SHALL:

32 (I) PRESCRIBE THE FORM OF A PRELIMINARY DISCLOSURE UNDER
33 THIS SUBSECTION; AND

34 (II) DETERMINE WHICH ASPECTS OF FINANCIAL DISCLOSURE ARE
35 SUBJECT TO THIS SUBSECTION.

1 (4) A PRELIMINARY DISCLOSURE SHALL BE FILED AND MAINTAINED,
2 AND MAY BE DISCLOSED, IN THE SAME MANNER PRESCRIBED FOR A STATEMENT
3 FILED UNDER § 15-601 OF THIS SUBTITLE.

4 ~~(C)~~ (D) THE ETHICS COMMISSION SHALL DEVELOP PROCEDURES UNDER
5 WHICH A STATEMENT UNDER THIS SUBTITLE MAY BE FILED ELECTRONICALLY AND
6 WITHOUT ADDITIONAL COST TO THE INDIVIDUAL WHO FILES THE STATEMENT.

7 15-606. Public record.

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

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

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

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

18 (ii) the name of the individual whose statement was examined or
19 copied.

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

23 15-607. Content of statements.

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

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

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

32 (i) the nature of the property;

33 (ii) the street address, mailing address, or legal description of the
34 property;

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

- 1 (iv) the date and manner in which the interest was acquired;
- 2 (v) the identity of the entity from which the interest was acquired;
- 3 (vi) if the interest was acquired by purchase, the nature and
4 amount of the consideration given for the interest;
- 5 (vii) if the interest was acquired in any other manner, the fair
6 market value of the interest when acquired;
- 7 (viii) if any interest was transferred, in whole or in part, during the
8 applicable period:
- 9 1. a description of the interest transferred;
- 10 2. the nature and amount of the consideration received for
11 the interest; and
- 12 3. the identity of the entity to which the interest was
13 transferred; and
- 14 (ix) the identity of any other entity with an interest in the property.
- 15 (c) (1) The statement shall include a schedule of each interest held by the
16 individual in a corporation, partnership, limited liability partnership, or limited
17 liability company, whether or not the corporation, partnership, limited liability
18 partnership, or limited liability company does business with the State.
- 19 (2) For each interest reported, the schedule shall include:
- 20 (i) the name and address of the principal office of the corporation,
21 partnership, limited liability partnership, or limited liability company;
- 22 (ii) subject to paragraph (3) of this subsection, the nature and
23 amount of the interest held, including any conditions to and encumbrances on the
24 interest;
- 25 (iii) except as provided in paragraph (4) of this subsection, if any
26 interest was acquired during the applicable period:
- 27 1. the date and manner in which the interest was acquired;
- 28 2. the identity of the entity from which the interest was
29 acquired;
- 30 3. if the interest was acquired by purchase, the nature and
31 amount of the consideration given for the interest; and
- 32 4. if the interest was acquired in any other manner, the fair
33 market value of the interest when it was acquired; and

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

3 1. a description of the interest transferred;

4 2. the nature and amount of the consideration received for
5 the interest; and

6 3. if known, the identity of the entity to which the interest
7 was transferred.

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

10 1. the number of shares held; and

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

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

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

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

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

26 (i) the name and address of the principal office of the business
27 entity;

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

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

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

32 2. the identity of the entity from which the interest was
33 acquired;

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

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

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

5 1. a description of the interest transferred;

6 2. the nature and amount of the consideration received for
7 the interest; and

8 3. the identity of the entity to which the interest was
9 transferred.

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

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

14 (i) by the individual or by another entity at the direction of the
15 individual; and

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

17 1. a regulated lobbyist;

18 2. regulated by the State; or

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

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

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

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

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

28 1. FOOD OR BEVERAGES RECEIVED AND CONSUMED BY AN
29 OFFICIAL OF THE LEGISLATIVE BRANCH IN THE PRESENCE OF THE DONOR OR
30 SPONSORING ENTITY AS PART OF A RECEPTION MEAL OR RECEPTION, TO WHICH
31 WERE INVITED ALL MEMBERS OF A LEGISLATIVE UNIT; OR

32 2. A TICKET OR FREE ADMISSION EXTENDED TO A STATE
33 OFFICIAL OF THE LEGISLATIVE BRANCH BY THE PERSON SPONSORING OR
34 CONDUCTING THE EVENT AS A COURTESY OR CEREMONY TO THE OFFICE TO ATTEND

1 A PROFESSIONAL OR INTERCOLLEGIATE SPORTING EVENT, OR A CHARITABLE,
2 CULTURAL, OR POLITICAL EVENT, TO WHICH WERE INVITED ALL MEMBERS OF A
3 LEGISLATIVE UNIT.

4 (III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (II)
5 OF THIS PARAGRAPH, THE STATEMENT SHALL INCLUDE THE ACCEPTANCE OF EACH
6 OF TWO OR MORE TICKETS OR FREE ADMISSIONS EXTENDED TO A STATE OFFICIAL
7 OF THE LEGISLATIVE BRANCH BY THE PERSON SPONSORING OR CONDUCTING THE
8 EVENT WITH A CUMULATIVE VALUE OF \$100 OR MORE RECEIVED FROM ONE ENTITY
9 DURING THE APPLICABLE PERIOD.

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

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

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

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

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

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

21 (i) the individual; or

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

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

24 (i) the name and address of the principal office of the business
25 entity;

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

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

29 (iv) the nature of the business with the State, which, at a minimum,
30 shall be specified by reference to the applicable criteria of doing business described in
31 § 15-102(j) of this title.

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

- 1 (i) by the individual; and
- 2 (ii) if the individual was involved in the transaction giving rise to
3 the debt, by any member of the immediate family of the individual.

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

- 5 (i) the identity of the entity to which the debt was owed;
- 6 (ii) the date it was incurred;
- 7 (iii) the amount owed at the end of the applicable period;
- 8 (iv) the terms of payment;
- 9 (v) the extent to which the principal was increased or decreased
10 during the applicable period; and
- 11 (vi) any security given.

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

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

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

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

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

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

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

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

1 15-704. Reports.

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

4 (1) a complete, current statement of the information required under §
5 15-703(b) of this subtitle;

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

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

- 9 1. expenses reported under this paragraph; and
10 2. salaries, compensation, and reimbursed expenses for the
11 regulated lobbyist's staff;

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

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

15 (iii) publications that expressly encourage communication with one
16 or more officials or employees;

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

19 (v) ~~EXCEPT AS TO OFFICIALS OF THE LEGISLATIVE BRANCH,~~ meals
20 and beverages for officials, employees, or members of the immediate families of
21 officials or employees;

22 (vi) 1. [special events, including parties, meals, athletic events,
23 entertainment, or other functions] ~~FOR OFFICIALS OF THE LEGISLATIVE BRANCH,~~
24 ~~FOOD, BEVERAGES, AND INCIDENTAL EXPENSES FOR A RECEPTION MEAL OR~~
25 ~~RECEPTION,~~ to which were invited all members of A LEGISLATIVE UNIT[:

26 1. the General Assembly;

27 2. either house of the General Assembly;

28 3. a standing committee of the General Assembly, provided
29 that the presiding officer of the House of Delegates or Senate shall be deemed an ex
30 officio member of any standing committee of the presiding officer's chamber; or

31 4. a county or regional delegation of members of the General
32 Assembly that is recognized by a presiding officer of the General Assembly]; AND

1 2. A TICKET OR FREE ADMISSION EXTENDED TO A STATE
2 OFFICIAL OF THE LEGISLATIVE BRANCH BY THE PERSON SPONSORING OR
3 CONDUCTING THE EVENT AS A COURTESY OR CEREMONY TO THE OFFICE TO ATTEND
4 A PROFESSIONAL OR INTERCOLLEGIATE SPORTING EVENT, OR A CHARITABLE,
5 CULTURAL, OR POLITICAL EVENT TO WHICH WERE INVITED ALL MEMBERS OF A
6 LEGISLATIVE UNIT;

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

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

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

15 (ix) other expenses;

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

19 (4) subject to [subsections (d) and (e)] SUBSECTION (D) of this section,
20 the name of each official, employee, or member of the immediate family of an official
21 or employee, to or for whom, during a reporting period, one or more gifts with a
22 cumulative value of \$75 or more are given, regardless of whether a gift is attributable
23 to more than one entity and whether or not in connection with lobbying activities, by
24 the regulated lobbyist or any entity acting on behalf of the regulated lobbyist,
25 however, except as provided in paragraph (2)(vii)2 of this subsection AND FOR 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 AS PROVIDED IN
29 PARAGRAPH (2)(VI) OF THIS SUBSECTION, expenses reported in paragraph (2)(vi) and
30 (vii) of this subsection need not be allocated to an individual.

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

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

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

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

6 (3) The regulated lobbyist may:

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

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

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

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

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

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

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

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

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

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

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

3 (4) The regulated lobbyist may[:

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

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

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

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

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

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

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

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

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

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

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

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

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 all applicable laws, rules, and other standards of ethical conduct.

33 ~~SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding §~~
34 ~~15-602(b)(2) of the State Government Article, as enacted by this Act, a member of the~~

1 General Assembly shall file the financial disclosure statement covering calendar year
2 1998 on or before April 30, 1999.

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

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