

HOUSE BILL 2

Unofficial Copy
G2

2001 Regular Session
11r0347
CF 11r0346

(PRE-FILED)

By: **Delegates Taylor, Dewberry, Hurson, Arnick, Busch, Doory, Guns,
Harrison, Hixson, Kopp, Menes, Montague, Rawlings, Rosenberg,
Vallario, and Wood**

Requested: November 15, 2000

Introduced and read first time: January 10, 2001

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics Law - Lobbyist Ethics Reform**

3 FOR the purpose of modifying, clarifying, and expanding provisions of the Maryland
4 Public Ethics Law relating to regulated lobbyists and lobbying activities;
5 extending for a certain period of time the period in which a criminal prosecution
6 for a violation of the Public Ethics Law may be instituted; requiring the State
7 Ethics Commission to provide certain staff resources under certain
8 circumstances; requiring the Commission to provide a certain training course
9 for regulated lobbyists and prospective regulated lobbyists under certain
10 circumstances; requiring regulated lobbyists to attend a certain training course
11 within a certain period of time; requiring the Commission to provide certain
12 information relating to certain provisions of the Public Ethics Law; authorizing
13 the Commission to require certain regulated lobbyists to file certain reports or
14 information with the Commission, impose certain fines, and suspend the
15 registration of regulated lobbyists under certain circumstances; authorizing the
16 Commission to suspend or revoke the registration of regulated lobbyists under
17 certain circumstances; prohibiting regulated lobbyists whose registrations are
18 suspended or revoked from engaging in lobbying for compensation; requiring the
19 Commission to initiate certain complaints within a certain period of time;
20 establishing a procedure for reinstatement of a lobbyist whose registration has
21 been suspended or revoked; altering certain requirements relating to
22 registration as a regulated lobbyist; altering certain exceptions from the
23 registration requirement; altering certain notice and reporting requirements for
24 the termination of registration; requiring certain regulated lobbyists to
25 terminate registration under certain circumstances; requiring certain individual
26 regulated lobbyists to file a certain report with the Commission disclosing
27 certain political contributions; establishing certain procedures for reporting by
28 regulated lobbyists of meals and receptions to which are invited all members of
29 a legislative unit; requiring the Commission to develop procedures for electronic
30 filing and public inspection of certain reports of certain regulated lobbyists;
31 prohibiting certain activities by certain regulated lobbyists engaging in certain
32 lobbying activities; prohibiting certain regulated lobbyists from organizing or

1 establishing certain political committees or forwarding certain tickets to a
2 potential contributor; requiring certain persons who compensate a regulated
3 lobbyist and who make certain contributions under certain circumstances to file
4 a report with the State Board of Elections; specifying that certain contributions
5 are attributable to certain entities for the purposes of the report; requiring
6 disclosure of certain contributions from certain persons involved in certain
7 business entities to the chief executive officer of the entity; increasing and
8 establishing certain criminal penalties; making stylistic changes; defining
9 certain terms; and generally relating to the regulation of lobbyists under the
10 Public Ethics Law.

11 BY renumbering

12 Article - State Government
13 Section 15-705 through 15-707, respectively
14 to be Section 15-712 through 15-714, respectively
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2000 Supplement)

17 BY repealing

18 Article 33 - Election Code
19 Section 13-201(a)(4)
20 Annotated Code of Maryland
21 (1997 Replacement Volume and 2000 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article - Courts and Judicial Proceedings
24 Section 5-106(f)
25 Annotated Code of Maryland
26 (1998 Replacement Volume and 2000 Supplement)

27 BY repealing and reenacting, without amendments,

28 Article - State Government
29 Section 15-102(m) and (w), 15-205(a)(6), (c), and (d), 15-401, 15-403, 15-404,
30 and 15-406
31 Annotated Code of Maryland
32 (1999 Replacement Volume and 2000 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article - State Government
35 Section 15-204(d), 15-205(e), 15-405, 15-505(a), 15-701, 15-703(f), 15-704,
36 and 15-903
37 Annotated Code of Maryland
38 (1999 Replacement Volume and 2000 Supplement)

39 BY adding to

1 Article - State Government
2 Section 15-205(e), 15-707 through 15-709, and 15-715
3 Annotated Code of Maryland
4 (1999 Replacement Volume and 2000 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - State Government
7 Section 15-712(b), 15-713, and 15-714
8 Annotated Code of Maryland
9 (1999 Replacement Volume and 2000 Supplement)
10 (As enacted by Section 1 of this Act)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That Section(s) 15-705 through 15-707, respectively, of Article - State
13 Government of the Annotated Code of Maryland be renumbered to be Section(s)
14 15-712 through 15-714, respectively.

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

17 **Article 33 - Election Code**

18 13-201.

19 (a) [(4) (i) 1. In this paragraph "lobbyist" means a regulated lobbyist who
20 is described in § 15-701(a)(1), (2), or (3) of the State Government Article.

21 2. A lobbyist, or a person acting on behalf of a lobbyist, may
22 not organize or establish a political committee for the purpose of soliciting or
23 transmitting contributions or transfers from any person to the Governor, Lieutenant
24 Governor, Attorney General, Comptroller, or member of the General Assembly or
25 candidate for election to the office of Governor, Lieutenant Governor, Attorney
26 General, Comptroller, or member of the General Assembly.

27 (ii) This paragraph may not be construed to prohibit a lobbyist
28 from:

29 1. Being a candidate; or

30 2. Making a personal contribution within the limitations
31 established under this article.]

32 **Article - Courts and Judicial Proceedings**

33 5-106.

34 (f) A prosecution for the commission of or the attempt to commit a
35 misdemeanor constituting: (1) except as provided in subsection (h) of this section, a

1 criminal offense under the State election laws; or (2) a criminal offense under the
2 [State conflict of interest laws] MARYLAND PUBLIC ETHICS LAW; or (3) criminal
3 malfeasance, misfeasance, or nonfeasance in office committed by an officer of the
4 State, or of an agency of the State, or of a political subdivision of the State, or of a
5 bicounty or multicounty agency in the State shall be instituted within 2 years after
6 the offense was committed.

7

Article - State Government

8 15-102.

9 (m) (1) "Executive unit" means a department, agency, commission, board,
10 council, or other body of State government that:

11 (i) is established by law; and

12 (ii) is not in the Legislative Branch or the Judicial Branch of State
13 government.

14 (2) "Executive unit" includes a county health department unless the
15 officials and employees of the department are expressly designated as "local officials"
16 in § 15-807 of this title.

17 (w) "Legislative unit" means:

18 (1) the General Assembly;

19 (2) either house of the General Assembly;

20 (3) a standing committee of the General Assembly, provided that the
21 presiding officer of the House of Delegates or Senate shall be deemed an ex officio
22 member of any standing committee of the presiding officer's chamber; or

23 (4) a county or regional delegation of members of the General Assembly
24 that is recognized by a presiding officer of the General Assembly.

25 15-204.

26 (d) (1) The Ethics Commission:

27 (i) shall appoint to serve at its pleasure:

28 1. an executive director;

29 2. a general counsel; and

30 3. a staff counsel; and

31 (ii) shall have other staff, INCLUDING SUCH COUNSEL AS MAY BE
32 REQUIRED TO ADVISE PERSONS WHO ARE SUBJECT TO THE JURISDICTION OF THE
33 ETHICS COMMISSION, in accordance with the State budget.

1 (2) The general counsel and the staff counsel of the Ethics Commission
2 shall be individuals admitted to practice law in the State.

3 15-205.

4 (a) The Ethics Commission shall:

5 (6) publish and make available to persons subject to this title, and to the
6 public, information that explains the provisions of this title, the duties imposed by it,
7 and the means for enforcing it.

8 (c) (1) The Ethics Commission shall:

9 (i) compile annually an alphabetized list of entities doing business
10 with the State, as defined in § 15-102 of this title, during the preceding calendar
11 year; and

12 (ii) make information from the list available to individuals required
13 to file a statement under Subtitle 6 of this title.

14 (2) The list prepared under paragraph (1) of this subsection shall be
15 available for public inspection by March 1 of each year.

16 (3) On request of the Ethics Commission, an official or a unit of State
17 government, in a timely manner, shall provide the Commission with any information
18 necessary for the Commission to perform its duties under this subsection.

19 (d) (1) The Ethics Commission shall provide a training course of not less
20 than 2 hours on the requirements of the Public Ethics Law for an individual who:

21 (i) fills a vacancy after September 30, 1999 in a position that has
22 been identified as a public official position pursuant to § 15-103 of this title; or

23 (ii) serves in a position identified after September 30, 1999 as a
24 public official position pursuant to § 15-103 of this title.

25 (2) An individual specified in paragraph (1) of this subsection shall
26 complete a training course provided by the Ethics Commission within 6 months of
27 filling a vacancy or a position being identified as a public official position.

28 (3) The training requirement under this subsection does not apply to an
29 individual who:

30 (i) is a public official only as a member of a commission, task force,
31 or similar entity; or

32 (ii) has completed a training course provided by the Ethics
33 Commission while serving in another public official position.

34 (E) (1) (I) THE ETHICS COMMISSION SHALL PROVIDE A TRAINING
35 COURSE FOR REGULATED LOBBYISTS AND PROSPECTIVE REGULATED LOBBYISTS AT

1 LEAST TWICE EACH YEAR REGARDING THE PROVISIONS OF THE MARYLAND PUBLIC
2 ETHICS LAW RELEVANT TO REGULATED LOBBYISTS. ONE SUCH COURSE SHALL BE
3 CONDUCTED IN THE MONTH OF JANUARY.

4 (II) A REGULATED LOBBYIST SHALL ATTEND A TRAINING COURSE
5 PROVIDED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AT LEAST ONCE IN ANY
6 2-YEAR PERIOD DURING WHICH A LOBBYIST HAS REGISTERED WITH THE ETHICS
7 COMMISSION.

8 (2) AT THE TIME OF A PERSON'S INITIAL REGISTRATION AS A
9 REGULATED LOBBYIST, THE ETHICS COMMISSION SHALL PROVIDE THE PERSON
10 WITH INFORMATION RELATING TO THE PROVISIONS OF THE MARYLAND PUBLIC
11 ETHICS LAW RELEVANT TO REGULATED LOBBYISTS.

12 [(e)] (F) Subject to § 2-1246 of this article, the Ethics Commission shall
13 submit to the General Assembly:

14 (1) an annual report on its activities; and

15 (2) based on its investigations and studies, other special reports with
16 recommendations for legislation as may be appropriate.

17 15-401.

18 (a) (1) Any entity may file with the Ethics Commission a written complaint
19 alleging a violation of this title.

20 (2) A complaint filed under this subsection shall be:

21 (i) signed; and

22 (ii) made under oath.

23 (b) The Ethics Commission on its own motion may issue a complaint alleging
24 a violation of this title.

25 (c) The Ethics Commission promptly shall transmit to the respondent a copy
26 of the complaint.

27 15-403.

28 (a) As to a complaint retained by the Ethics Commission under § 15-402(b) of
29 this subtitle, the staff counsel shall collect and refer to the Ethics Commission
30 evidence relating to each violation of this title alleged in the complaint.

31 (b) (1) Prior to submitting the evidence to the Ethics Commission, the staff
32 counsel shall notify the complainant and the respondent.

33 (2) The Commission shall dismiss the complaint in a signed order if:

1 (i) the respondent, within 15 days after receiving the notice, takes
2 any action that may be available to cure each alleged violation; and

3 (ii) it finds that dismissal is not contrary to the purposes of this
4 title.

5 (3) If the complaint is dismissed under this subsection, the Ethics
6 Commission shall promptly send a copy of the order to the complainant and the
7 respondent.

8 (c) If the Ethics Commission determines that the evidence submitted by the
9 staff counsel does not merit further proceedings, the Ethics Commission shall:

10 (1) dismiss the complaint in a signed order; and

11 (2) promptly send a copy of the order to the complainant and the
12 respondent.

13 (d) If a complaint is not dismissed under subsection (b) or (c) of this section,
14 the Ethics Commission shall proceed to a hearing on the complaint.

15 15-404.

16 (a) (1) A hearing on a complaint shall be conducted under Title 10, Subtitle
17 2 (Administrative Procedure Act - Contested Cases) of this article to the extent that
18 subtitle is consistent with this title.

19 (2) In preparation for the hearing, the respondent may use the subpoena
20 power of the Ethics Commission.

21 (b) At the hearing, the staff counsel:

22 (1) shall present to the Ethics Commission all available evidence
23 relating to each alleged violation of this title; and

24 (2) may recommend any disposition of the complaint that appears
25 appropriate to the staff counsel.

26 (c) The respondent may be represented by counsel.

27 15-405.

28 (a) After the Ethics Commission considers all of the evidence presented at the
29 hearing, it shall make findings of fact and conclusions of law with respect to each
30 alleged violation.

31 (b) If the Ethics Commission determines that the respondent has not violated
32 this title, the Ethics Commission shall:

33 (1) dismiss the complaint in a signed order; and

1 (2) promptly send a copy of the order to the complainant and the
2 respondent.

3 (c) If the Ethics Commission determines that the respondent has violated ANY
4 PROVISION OF this title, the Ethics Commission may:

5 (1) issue an order of compliance directing the respondent to cease and
6 desist from the violation;

7 (2) issue a reprimand; or

8 (3) recommend to the appropriate authority other appropriate discipline
9 of the respondent, including censure or removal, if that discipline is authorized by
10 law.

11 (D) IF THE ETHICS COMMISSION DETERMINES THAT A RESPONDENT HAS
12 VIOLATED SUBTITLE 7 OF THIS TITLE, THE ETHICS COMMISSION MAY:

13 (1) REQUIRE A RESPONDENT WHO IS A REGULATED LOBBYIST TO FILE
14 ANY ADDITIONAL REPORTS OR INFORMATION THAT REASONABLY RELATES TO
15 INFORMATION REQUIRED UNDER §§ 15-703 AND 15-704 OF THIS TITLE;

16 (2) IMPOSE A FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION; OR

17 (3) SUBJECT TO SUBSECTION (E) OF THIS SECTION, SUSPEND THE
18 REGISTRATION OF A REGULATED LOBBYIST.

19 (E) (1) IF THE ETHICS COMMISSION DETERMINES IT NECESSARY TO
20 PROTECT THE PUBLIC INTEREST AND THE INTEGRITY OF THE GOVERNMENTAL
21 PROCESS, THE ETHICS COMMISSION MAY ISSUE AN ORDER TO:

22 (I) SUSPEND THE REGISTRATION OF AN INDIVIDUAL REGULATED
23 LOBBYIST IF THE ETHICS COMMISSION DETERMINES THAT THE INDIVIDUAL
24 REGULATED LOBBYIST:

25 1. HAS KNOWINGLY AND WILLFULLY VIOLATED SUBTITLE 7
26 OF THIS TITLE; OR

27 2. HAS BEEN CONVICTED OF A CRIMINAL OFFENSE ARISING
28 FROM LOBBYING ACTIVITIES; OR

29 (II) REVOKE THE REGISTRATION OF AN INDIVIDUAL REGULATED
30 LOBBYIST IF THE ETHICS COMMISSION DETERMINES THAT, BASED ON ACTS ARISING
31 FROM LOBBYING ACTIVITIES, THE INDIVIDUAL REGULATED LOBBYIST HAS BEEN
32 CONVICTED OF BRIBERY, THEFT, OR OTHER CRIME INVOLVING MORAL TURPITUDE.

33 (2) IF THE COMMISSION SUSPENDS THE REGISTRATION OF AN
34 INDIVIDUAL REGULATED LOBBYIST UNDER PARAGRAPH (1) OF THIS SUBSECTION,
35 THE INDIVIDUAL REGULATED LOBBYIST MAY NOT ENGAGE IN LOBBYING FOR
36 COMPENSATION FOR A PERIOD, NOT TO EXCEED 3 YEARS, THAT THE COMMISSION

1 DETERMINES AS TO THAT INDIVIDUAL REGULATED LOBBYIST IS NECESSARY TO
2 SATISFY THE PURPOSES OF THIS SUBSECTION.

3 (3) IF THE COMMISSION REVOKES THE REGISTRATION OF AN
4 INDIVIDUAL REGULATED LOBBYIST UNDER PARAGRAPH (1) OF THIS SUBSECTION,
5 THE INDIVIDUAL REGULATED LOBBYIST MAY NOT ENGAGE IN LOBBYING FOR
6 COMPENSATION.

7 (4) IF THE ETHICS COMMISSION INITIATES A COMPLAINT BASED ON A
8 VIOLATION OR CONVICTION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION,
9 THE ETHICS COMMISSION SHALL INITIATE THE COMPLAINT WITHIN 2 YEARS OF:

10 (I) THE ETHICS COMMISSION'S KNOWLEDGE OF THE VIOLATION;
11 OR

12 (II) THE DATE THE CONVICTION BECOMES FINAL.

13 (5) THE TERMINATION OR EXPIRATION OF THE REGISTRATION OF AN
14 INDIVIDUAL REGULATED LOBBYIST DOES NOT LIMIT THE AUTHORITY OF THE
15 ETHICS COMMISSION TO ISSUE AN ORDER UNDER THIS SUBSECTION.

16 (F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL
17 WHOSE REGISTRATION AS AN INDIVIDUAL REGULATED LOBBYIST IS REVOKED OR
18 SUSPENDED UNDER SUBSECTION (E) OF THIS SECTION MAY APPLY TO THE ETHICS
19 COMMISSION FOR REINSTATEMENT.

20 (2) THE ETHICS COMMISSION MAY REINSTATE THE REGISTRATION OF
21 AN INDIVIDUAL WHOSE REGISTRATION AS A REGULATED LOBBYIST HAS BEEN
22 REVOKED OR SUSPENDED UNDER SUBSECTION (E) OF THIS SECTION IF THE
23 COMMISSION DETERMINES THAT REINSTATEMENT OF THE INDIVIDUAL WOULD NOT
24 BE DETRIMENTAL TO THE PUBLIC INTEREST AND THE INTEGRITY OF THE
25 GOVERNMENTAL PROCESS, BASED ON:

26 (I) THE NATURE AND CIRCUMSTANCES OF THE ORIGINAL
27 MISCONDUCT OR VIOLATION LEADING TO REVOCATION OR SUSPENSION;

28 (II) THE INDIVIDUAL'S SUBSEQUENT CONDUCT AND
29 REFORMATION; AND

30 (III) THE PRESENT ABILITY OF THE INDIVIDUAL TO COMPLY WITH
31 THE PROVISIONS OF THE ETHICS LAW.

32 [(d)] (G) (1) If the respondent is a regulated lobbyist, for each report
33 required under Subtitle 7 of this title that is filed late the respondent shall pay a fee
34 of \$10 for each late day, not to exceed a total of \$250.

35 (2) If the respondent is an official, for each financial disclosure
36 statement found to have been filed late, the respondent shall pay a fee of \$2 for each
37 late day, not to exceed a total of \$250.

1 15-406.

2 (a) If the respondent is aggrieved by a final order of the Ethics Commission,
3 the respondent may seek judicial review as provided in Title 10, Subtitle 2 of this
4 article (Administrative Procedure Act -- Contested Cases).

5 (b) (1) The order is stayed automatically until the time for seeking judicial
6 review has expired.

7 (2) If a timely appeal is filed, the order is stayed until final disposition by
8 the court.

9 (c) The Ethics Commission may seek judicial enforcement and other relief as
10 provided under Subtitle 8 of this title.

11 15-505.

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

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

16 (3)] An official may not directly solicit or facilitate the solicitation of a
17 gift, on behalf of another person, from an individual regulated lobbyist described in §
18 15-701(a)(1) of this title.

19 15-701.

20 (a) Unless exempted under subsection (b) of this section, an entity shall
21 register with the Ethics Commission as provided in this subtitle, and shall be a
22 "regulated lobbyist" for the purposes of this title, if, during a reporting period, the
23 entity:

24 (1) for the purpose of influencing ANY legislative action OR, AS TO THE
25 DEVELOPMENT OR ADOPTION OF REGULATIONS OR THE DEVELOPMENT OR
26 ISSUANCE OF AN EXECUTIVE ORDER, EXECUTIVE ACTION:

27 (i) 1. communicates with an official or employee of the
28 Legislative Branch or Executive Branch in the presence of that official or employee;
29 and

30 [(ii)] 2. exclusive of the personal travel or subsistence expenses of
31 the entity or a representative of the entity, incurs expenses of at least \$100 or earns at
32 least \$500 as compensation; OR

33 (II) 1. COMMUNICATES WITH AN OFFICIAL OR EMPLOYEE OF
34 THE LEGISLATIVE BRANCH OR EXECUTIVE BRANCH; AND

35 2. EARNS AT LEAST \$5,000 AS COMPENSATION;

1 (2) in connection with or for the purpose of influencing ANY executive
2 action, spends a cumulative value of at least \$100 for [meals, beverages, special
3 events, or gifts on] GIFTS, INCLUDING MEALS, BEVERAGES, AND SPECIAL EVENTS,
4 TO one or more officials or employees of the Executive Branch;

5 (3) SUBJECT TO SUBSECTION (B)(3) OF THIS SECTION, is [employed]
6 COMPENSATED to influence executive action on a procurement contract that exceeds
7 \$100,000;

8 (4) SUBJECT TO SUBSECTION (B)(4) OF THIS SECTION, IS COMPENSATED
9 BY A BUSINESS ENTITY TO INFLUENCE EXECUTIVE ACTION TO SECURE FROM THE
10 STATE A BUSINESS GRANT OR LOAN WITH A VALUE OF MORE THAN \$100,000 FOR THE
11 BUSINESS ENTITY;

12 [(4)] (5) spends at least \$2,000, including EXPENDITURES FOR
13 SALARIES, CONTRACTUAL EMPLOYEES, postage, TELECOMMUNICATIONS SERVICES,
14 ELECTRONIC SERVICES, ADVERTISING, PRINTING, AND DELIVERY SERVICES for the
15 express purpose of soliciting others to communicate with an official to influence
16 legislative action or executive action; or

17 [(5)] (6) spends at least \$500 to provide compensation to one or more
18 entities required to register under this subsection.

19 (b) (1) The following activities are exempt from regulation under this
20 subtitle:

21 (i) appearances as part of the official duties of an elected or
22 appointed official or employee of the State, a political subdivision of the State, or the
23 United States, to the extent that the appearance is not on behalf of any other entity;

24 (ii) actions of a member of the news media, to the extent the actions
25 are in the ordinary course of gathering and disseminating news or making editorial
26 comment to the general public;

27 (iii) representation of a bona fide religious organization to the
28 extent the representation is for the purpose of protecting the right of its members to
29 practice the doctrine of the organization;

30 (iv) appearances as part of the official duties of an officer, director,
31 member, or employee of an association engaged exclusively in representing counties
32 or municipal corporations, to the extent that the appearance is not on behalf of any
33 other entity; or

34 (v) actions as part of the official duties of a trustee, an
35 administrator, or a faculty member of a nonprofit independent college or university in
36 the State, provided the official duties of the individual do not consist primarily of
37 attempting to influence legislative action or executive action.

1 (2) The following activities are exempt from regulation under this
2 subtitle if the individual engages in no other acts during the reporting period that
3 require registration:

4 (i) professional services in drafting bills or in advising clients on
5 the construction or effect of proposed or pending legislation;

6 (ii) appearances before the entire General Assembly, or any
7 committee or subcommittee of the General Assembly, at the specific request of the
8 body involved; [or]

9 (iii) appearances before a legislative committee at the specific
10 request of a regulated lobbyist, if the witness notifies the committee that the witness
11 is testifying at the request of the regulated lobbyist;

12 (IV) APPEARANCES BEFORE AN EXECUTIVE UNIT AT THE SPECIFIC
13 REQUEST OF THE EXECUTIVE UNIT INVOLVED; OR

14 (V) APPEARANCES BEFORE AN EXECUTIVE UNIT AT THE SPECIFIC
15 REQUEST OF A REGULATED LOBBYIST, IF THE WITNESS NOTIFIES THE EXECUTIVE
16 UNIT THAT THE WITNESS IS TESTIFYING AT THE REQUEST OF THE REGULATED
17 LOBBYIST.

18 (3) Subsection (a)(3) of this section does not apply to a bona fide
19 salesperson or commercial selling agency employed or maintained by an employer for
20 the purpose of soliciting or securing a procurement contract unless the person
21 engages in acts during the reporting period that require registration under subsection
22 (a)(1) or (2) of this section.

23 (4) SUBSECTION (A)(4) OF THIS SECTION DOES NOT APPLY TO A BONA
24 FIDE FULL-TIME OFFICIAL OR EMPLOYEE OF A BUSINESS ENTITY SEEKING TO
25 SECURE A BUSINESS GRANT OR LOAN.

26 (c) (1) Except for providing the authorization required by § 15-702 of this
27 subtitle and the report required by [§ 15-704(c)] § 15-704(D) of this subtitle, an entity
28 that compensates one or more regulated lobbyists, and that reasonably believes that
29 all expenditures requiring registration will be reported by the regulated lobbyist or
30 lobbyists, is exempt from the registration and reporting requirements of this subtitle
31 if the entity engages in no other act that requires registration.

32 (2) If a regulated lobbyist compensated by an entity that is exempt under
33 paragraph (1) of this subsection fails to report the information required by this
34 subtitle, the entity immediately shall become subject to the registration and reporting
35 requirements of this subtitle.

36 15-703.

37 (f) (1) Except as provided in paragraph (2) of this subsection, each
38 registration shall terminate on the earlier of:

1 (i) the October 31 following the filing of the registration; or

2 (ii) an earlier termination date specified in an authorization filed
3 with respect to that registration under § 15-702 of this subtitle.

4 (2) A regulated lobbyist may terminate the registration before the date
5 specified in paragraph (1) of this subsection by:

6 (i) ceasing all activity that requires registration; AND

7 (ii) after ceasing activity in accordance with item (i) of this
8 paragraph[.];

9 1. FILING A NOTICE OF TERMINATION WITH THE ETHICS
10 COMMISSION; AND

11 2. filing all reports required by this subtitle WITHIN 30 DAYS
12 AFTER THE FILING OF THE NOTICE OF TERMINATION[; and].

13 [(iii) within 30 days after filing its final report, filing a notice of
14 termination with the Ethics Commission.]

15 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
16 PARAGRAPH, IF A REGULATED LOBBYIST IS OR BECOMES SUBJECT TO REGULATION
17 UNDER THIS TITLE AS AN OFFICIAL OR EMPLOYEE, THE REGULATED LOBBYIST
18 SHALL IMMEDIATELY TERMINATE THE REGISTRATION IN ACCORDANCE WITH
19 PARAGRAPH (2) OF THIS SUBSECTION.

20 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO A
21 REGULATED LOBBYIST APPOINTED TO AN ADVISORY GOVERNMENTAL BODY OF
22 LIMITED DURATION.

23 15-704.

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

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

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

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

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

1 (b) [Subject to subsection (e) of this section, a] A report required by this
2 section shall include:

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

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

7 (i) total [compensation paid to the] INDIVIDUAL regulated lobbyist
8 COMPENSATION, 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.] (III) professional and technical research and assistance;

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

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

19 [(v)] (VI) EXCEPT AS OTHERWISE REPORTED UNDER THIS
20 PARAGRAPH, meals and beverages for officials, employees, or members of the
21 immediate families of officials or employees;

22 [(vi)] 1.] (VII) [for officials of the Legislative Branch, food,
23 beverages, and incidental expenses for a meal or reception, to which were invited all
24 members of a legislative unit] EXCEPT AS PROVIDED IN § 15-708(D)(2) OF THIS
25 SUBTITLE, FOOD, BEVERAGES, AND INCIDENTAL EXPENSES FOR OFFICIALS OF THE
26 LEGISLATIVE BRANCH FOR MEALS AND RECEPTIONS TO WHICH ALL MEMBERS OF
27 ANY LEGISLATIVE UNIT WERE INVITED;

28 [2. food or beverages received by members of the General
29 Assembly at the time and geographic location of a meeting of a legislative
30 organization for which the member's presiding officer has approved the member's
31 attendance at State expense; and

32 3. tickets or free admission extended to members of the
33 General Assembly by the person sponsoring or conducting the event as a courtesy or
34 ceremony to the office to attend a charitable, cultural, or political event to which were
35 invited all members of a legislative unit;]

1 (VIII) FOOD AND BEVERAGES FOR MEMBERS OF THE GENERAL
2 ASSEMBLY AT THE RESPECTIVE TIMES AND GEOGRAPHIC LOCATIONS OF MEETINGS
3 OF LEGISLATIVE ORGANIZATIONS, TO WHICH MEETINGS THOSE MEMBERS'
4 ATTENDANCE AT STATE EXPENSE HAS BEEN APPROVED BY THE APPROPRIATE
5 PRESIDING OFFICER;

6 [(vii) 1.] (IX) food, lodging, and scheduled entertainment [of]
7 FOR officials and employees [for a meeting, if given in return for participation in a
8 panel or speaking engagement at the meeting] AT MEETINGS AT WHICH THE
9 OFFICIALS AND EMPLOYEES WERE SCHEDULED SPEAKERS OR SCHEDULED PANEL
10 PARTICIPANTS; [and

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

14 (X) TICKETS AND FREE ADMISSION EXTENDED TO MEMBERS OF
15 THE GENERAL ASSEMBLY AS A COURTESY OR CEREMONY TO THE OFFICE TO ATTEND
16 CHARITABLE, CULTURAL, AND POLITICAL EVENTS SPONSORED OR CONDUCTED BY
17 THE REPORTING ENTITY AND TO EACH OF WHICH ALL MEMBERS OF A LEGISLATIVE
18 UNIT WERE INVITED;

19 [(viii)] (XI) other gifts to or for officials, employees, or members of
20 the immediate families of officials or employees; and

21 [(ix)] (XII) other expenses; AND

22 (3) as to expenditures reported in paragraph [(2)(vi) and (vii)] (2)(VII),
23 (VIII), (IX), AND (X) of this subsection, the date, location, and total expense of the
24 regulated lobbyist for [the event] EACH MEAL, RECEPTION, EVENT, or meeting; and

25 (4) subject to subsection (d) of this section, the name of each official,
26 employee, or member of the immediate family of an official or employee, to or for
27 whom, during a reporting period, one or more gifts with a cumulative value of \$75 or
28 more are given, regardless of whether a gift is attributable to more than one entity
29 and whether or not in connection with lobbying activities, by the regulated lobbyist or
30 any entity acting on behalf of the regulated lobbyist, however, except as provided in
31 paragraph (2)(vii)2 of this subsection and for each of two or more tickets or free
32 admissions extended to a member of the General Assembly with a cumulative value of
33 \$100 or more received from one entity during the applicable period as provided in
34 paragraph (2)(vi)3 of this subsection, expenses reported in paragraph (2)(vi) and (vii)
35 of this subsection need not be allocated to an individual].

36 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
37 REPORT REQUIRED UNDER THIS SECTION ALSO SHALL INCLUDE THE NAME OF EACH
38 OFFICIAL, EMPLOYEE, OR MEMBER OF THE IMMEDIATE FAMILY OF AN OFFICIAL OR
39 EMPLOYEE WHO HAS BENEFITTED FROM ONE OR MORE GIFTS WITH A CUMULATIVE
40 VALUE OF \$75 DURING THE REPORTING PERIOD FROM THE REGULATED LOBBYIST,
41 REGARDLESS OF WHETHER THE GIFT:

1 (I) IS ATTRIBUTABLE TO MORE THAN ONE ENTITY; OR
2 (II) WAS GIVEN IN CONNECTION WITH LOBBYING ACTIVITY.

3 (2) THE FOLLOWING GIFTS NEED NOT BE ALLOCATED TO INDIVIDUAL
4 RECIPIENTS AND REPORTED BY NAME:

5 (I) GIFTS REPORTED UNDER SUBSECTION (B)(2)(VII) AND (VIII) OF
6 THIS SECTION;

7 (II) GIFTS REPORTED UNDER SUBSECTION (B)(2)(IX) OF THIS
8 SECTION WITH A VALUE OF \$200 OR LESS; AND

9 (III) GIFTS REPORTED UNDER SUBSECTION (B)(2)(X) OF THIS
10 SECTION, UNLESS THE RECIPIENT RECEIVED FROM THE REGULATED LOBBYIST
11 DURING THE REPORTING PERIOD TWO OR MORE SUCH GIFTS WITH A CUMULATIVE
12 VALUE OF \$100 OR MORE.

13 [(c)] (D) (1) This subsection applies only to a regulated lobbyist, other than
14 an individual, that is organized and operated for the primary purpose of attempting to
15 influence legislative action or executive action.

16 (2) In addition to the other reports required under this section, a
17 regulated lobbyist subject to this subsection shall report the name and permanent
18 address of each entity that provided at least 5% of the regulated lobbyist's total
19 receipts during the preceding 12 months.

20 (3) For the purpose of the reporting and registration requirements of this
21 subtitle, receipts of a regulated lobbyist subject to this subsection include funds spent
22 on the regulated lobbyist's behalf, at its direction, or in its name.

23 15-705.

24 [(d)] (1) (A) [Subject to subsection (e) of this section, in] IN addition to any
25 other report required under this [section] SUBTITLE, a regulated lobbyist shall file[,
26 with the report required by subsection (a) of this section,] a SEPARATE report
27 disclosing the name of any State official of the Executive Branch or member of the
28 immediate family of a State official of the Executive Branch who has benefitted
29 during the reporting period from gifts of meals or beverages FROM THE REGULATED
30 LOBBYIST, whether or not in connection with lobbying activities, allowed under [§
31 15-505(c)(2)(i)] § 15-505(C)(2)(I)1 of this title [from the regulated lobbyist].

32 [(2)] (B) Gifts reported by name of recipient under [subsection (b)(2)(vii)
33 of this section and receptions and tickets or free admission listed under subsection
34 (b)(2)(vi) of this section] § 15-704(B)(2)(IX) OF THIS SUBTITLE need not be allocated for
35 the purposes of disclosure under [paragraph (1) of this subsection] SUBSECTION (A)
36 OF THIS SECTION.

1 [(3)] (C) The disclosure required by this [subsection] SECTION shall be
2 under oath or affirmation, on a form issued by the Ethics Commission, and shall
3 include:

4 [(i)] (1) the name and business address of the regulated lobbyist;

5 [(ii)] (2) the name of each recipient of a gift of a meal or beverages;

6 [(iii)] (3) the date and value of each gift of a meal or beverages, and
7 the identity of the entity or entities to which the gift is attributable; and

8 [(iv)] (4) the total cumulative value of gifts of meals or beverages,
9 calculated as to each recipient.

10 [(4)] (D) The regulated lobbyist may explain the circumstances under
11 which the gift of a meal or beverages was given.

12 [(5)] (E) Gifts of meals or beverages reported by a regulated lobbyist
13 under this [subsection] SECTION need not be counted or reported by the regulated
14 lobbyist for purposes of disclosure under [subsection (b)(4) of this section] § 15-704(C)
15 OF THIS SUBTITLE.

16 (F) THE REPORT SHALL BE FILED AT THE TIME AND IN THE MANNER
17 PRESCRIBED FOR REPORTS FILED UNDER § 15-704 OF THIS SUBTITLE.

18 15-706.

19 [(f) (1) (i)] (A) (1) This [subsection] SECTION only applies to an individual
20 regulated lobbyist described in § 15-701(a)(1), (2), or (3) of this subtitle who lobbies
21 the Executive or Legislative Branch.

22 [(ii)] (2) This [subsection] SECTION may not be construed to apply
23 to an entity that employs an individual regulated lobbyist who is described in §
24 15-701(a)(1), (2), or (3) of this subtitle.

25 [(2)] (B) In addition to any other report required under this [section]
26 SUBTITLE, an individual regulated lobbyist shall file, with the report required by
27 [subsection (a)] § 15-704 of this [section] SUBTITLE, a report that discloses any
28 business transaction or series of business transactions that the individual regulated
29 lobbyist had with an individual or business entity listed in [paragraph (3) of this
30 subsection] SUBSECTION (C) OF THIS SECTION that:

31 [(i)] (1) involved the exchange of value of \$1,000 or more for a
32 single transaction or involved the exchange of value of \$5,000 or more for a series of
33 transactions; and

34 [(ii)] (2) occurred in the previous 6 months.

1 [(3)] (C) An individual regulated lobbyist is subject to the reporting
2 requirements of this [section] SUBTITLE if the individual regulated lobbyist engages
3 in a business transaction with:

- 4 [(i)] (1) a member of the General Assembly;
- 5 [(ii)] (2) the Governor;
- 6 [(iii)] (3) the Lieutenant Governor;
- 7 [(iv)] (4) the Attorney General;
- 8 [(v)] (5) the Secretary of State;
- 9 [(vi)] (6) the Comptroller of the Treasury;
- 10 [(vii)] (7) the State Treasurer;
- 11 [(viii)] (8) the Secretary of any principal State department;
- 12 [(ix)] (9) the spouse of an individual listed in items [(i)] (1) through
13 [(viii)] (8) of this [paragraph] SUBSECTION;
- 14 [(x)] (10) a business entity in which an individual listed in items
15 [(i)] (1) through [(ix)] (9) of this [paragraph] SUBSECTION participates as a
16 proprietor or partner; or
- 17 [(xi)] (11) a business entity where an individual listed in items [(i)]
18 (1) through [(ix)] (9) of this [paragraph] SUBSECTION has an ownership interest of at
19 least 30% in the entity.

20 [(4)] (D) The disclosure required under this subsection shall include:

- 21 [(i)] (1) the date of the business transaction or dates of each of the
22 series of transactions;
- 23 [(ii)] (2) the name and title of the official listed in [paragraph (2)]
24 SUBSECTION (B) of this [subsection] SECTION who was involved in each business
25 transaction or series of transactions; and
- 26 [(iii)] (3) the nature and value of anything exchanged.

27 15-707.

28 (A) IN ADDITION TO ANY OTHER REPORT REQUIRED UNDER THIS SUBTITLE,
29 AN INDIVIDUAL REGULATED LOBBYIST DESCRIBED IN § 15-701(A)(1), (2), (3), OR (4) OF
30 THIS SUBTITLE SHALL FILE A SEPARATE REPORT DISCLOSING ANY CONTRIBUTIONS
31 MADE:

- 32 (1) DIRECTLY OR INDIRECTLY BY THE REGULATED LOBBYIST;

1 (2) DURING THE REPORTING PERIOD;
2 (3) UNDER THE PROVISIONS OF ARTICLE 33 OF THE CODE; AND
3 (4) FOR THE BENEFIT OF THE GOVERNOR, LIEUTENANT GOVERNOR,
4 ATTORNEY GENERAL, COMPTROLLER, OR MEMBER OF THE GENERAL ASSEMBLY, OR A
5 CANDIDATE FOR ELECTION TO ANY OF THOSE OFFICES.

6 (B) THE REPORT SHALL STATE:

7 (1) THE NAME OF EACH OFFICIAL OR CANDIDATE FOR WHOSE BENEFIT
8 A CONTRIBUTION WAS MADE; AND

9 (2) THE TOTAL CONTRIBUTIONS FOR THE BENEFIT OF THAT OFFICIAL
10 OR CANDIDATE.

11 (C) THE REPORT SHALL BE FILED AT THE TIME AND IN THE MANNER
12 PRESCRIBED FOR REPORTS FILED UNDER § 15-704 OF THIS SUBTITLE.

13 15-708.

14 (A) A REGULATED LOBBYIST WHO INVITES ALL MEMBERS OF A LEGISLATIVE
15 UNIT TO A MEAL OR RECEPTION SHALL, AT LEAST 5 DAYS BEFORE THE DATE OF THE
16 MEAL OR RECEPTION:

17 (1) EXTEND A WRITTEN INVITATION TO ALL MEMBERS OF THE
18 LEGISLATIVE UNIT; AND

19 (2) REGISTER THE MEAL OR RECEPTION WITH THE DEPARTMENT OF
20 LEGISLATIVE SERVICES ON A FORM PRESCRIBED BY THE ETHICS COMMISSION.

21 (B) A LEGISLATIVE UNIT REGISTRATION REPORT REQUIRED UNDER
22 SUBSECTION (A) OF THIS SECTION SHALL CONTAIN THE FOLLOWING INFORMATION:

23 (1) THE DATE AND LOCATION OF THE MEAL OR RECEPTION; AND

24 (2) THE LEGISLATIVE UNIT INVITED.

25 (C) (1) BASED ON INFORMATION CONTAINED IN A LEGISLATIVE UNIT
26 REGISTRATION REPORT FILED UNDER SUBSECTION (A) OF THIS SECTION, THE
27 DEPARTMENT OF LEGISLATIVE SERVICES SHALL PUBLISH ONCE A WEEK A LIST
28 CONTAINING THE DATE AND LOCATION OF EACH UPCOMING MEAL OR RECEPTION
29 AND THE IDENTITY OF THE LEGISLATIVE UNIT INVITED.

30 (2) (I) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL ALLOW
31 PUBLIC INSPECTION OF ANY LEGISLATIVE UNIT REGISTRATION REPORT REQUIRED
32 UNDER THIS SECTION DURING REGULAR BUSINESS HOURS.

33 (II) WITHIN 3 BUSINESS DAYS OF RECEIPT OF A LEGISLATIVE UNIT
34 REGISTRATION REPORT REQUIRED UNDER THIS SECTION, THE DEPARTMENT OF

1 LEGISLATIVE SERVICES SHALL FORWARD THE ORIGINAL REGISTRATION REPORT TO
2 THE STATE ETHICS COMMISSION.

3 (III) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL
4 MAINTAIN A PHOTOCOPY OR ELECTRONIC COPY OF EACH REGISTRATION REPORT
5 REQUIRED UNDER THIS SECTION.

6 (D) (1) (I) A REGULATED LOBBYIST WHO IS REQUIRED TO REGISTER
7 UNDER SUBSECTION (A) OF THIS SECTION SHALL REPORT THE TOTAL COST OF THE
8 MEAL OR RECEPTION, INCLUDING THE IDENTITY OF ANY SPONSOR WHO
9 CONTRIBUTES TO THE COST AND THE AMOUNT OF THE CONTRIBUTION, TO THE
10 ETHICS COMMISSION WITHIN 14 DAYS AFTER THE DATE OF THE MEAL OR
11 RECEPTION.

12 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
13 THIS PARAGRAPH, IF ANY INFORMATION REQUIRED UNDER SUBPARAGRAPH (I) IS
14 NOT KNOWN WITHIN 14 DAYS AFTER THE DATE OF THE MEAL OR RECEPTION, THE
15 REGULATED LOBBYIST SHALL, AS TO THE INFORMATION NOT KNOWN, SPECIFY THE
16 NATURE AND ESTIMATE THE AMOUNT OF EACH ITEM.

17 (2) IF ALL OF THE INFORMATION REQUIRED BY PARAGRAPH (1)(I) OF
18 THIS SUBSECTION IS REPORTED ACCURATELY AND COMPLETELY, THE REGULATED
19 LOBBYIST IS NOT REQUIRED TO REPORT THE COST OF THE MEAL OR RECEPTION
20 UNDER § 15-704(B)(2)(VII) OF THIS SUBTITLE.

21 (3) THE STATE ETHICS COMMISSION SHALL ALLOW PUBLIC INSPECTION
22 OF ANY REGISTRATION REPORT REQUIRED UNDER THIS SUBSECTION DURING
23 REGULAR BUSINESS HOURS.

24 15-709.

25 THE STATE ETHICS COMMISSION SHALL DEVELOP PROCEDURES UNDER WHICH
26 A REPORT REQUIRED UNDER §§ 15-704 THROUGH 15-708 OF THIS SUBTITLE:

27 (1) MAY BE FILED ELECTRONICALLY WITHOUT ADDITIONAL COST TO
28 THE INDIVIDUAL WHO FILES THE REPORT; AND

29 (2) SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION
30 ELECTRONICALLY.

31 15-710.

32 [(e)] This [section] SUBTITLE does not require the disclosure by a regulated
33 lobbyist of 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

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

1 15-711.

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

4 15-712.

5 [(b) (1)] (A) If a report under § 15-704[(b)(4)] OR § 15-705 of this subtitle
6 contains the name of an official or employee in the Executive or Legislative Branch or
7 the name of a member of the official's or employee's immediate family, the Ethics
8 Commission shall:

9 [(i)] (1) notify the official or employee within 30 days of receipt of
10 the report by the Ethics Commission; and

11 [(ii)] (2) keep the report confidential for 60 days after its receipt.

12 [(2)] (B) Within 30 days after receiving the notice, the official or
13 employee may submit a written exception to the inclusion in the report of the name of
14 the official, employee, or member of the official's or employee's immediate family.

15 15-713.

16 A regulated lobbyist may not:

17 (1) be engaged for lobbying purposes for compensation that is dependent
18 in any manner on:

19 [(1)] (i) the enactment or defeat of legislation; [or]

20 [(ii)] any other contingency related to legislative action; or]

21 [(2)] [(i)] (II) the outcome of any executive action relating to the
22 solicitation or securing of a procurement contract; or

23 [(ii)] (III) any other contingency related to executive action OR
24 LEGISLATIVE ACTION[.];

25 (2) INITIATE OR ENCOURAGE THE INTRODUCTION OF LEGISLATION FOR
26 THE PURPOSE OF OPPOSING THE LEGISLATION;

27 (3) COUNSEL ANY PERSON TO VIOLATE ANY PROVISIONS OF THIS TITLE
28 OR ANY OTHER STATE OR FEDERAL LAW;

29 (4) ENGAGE IN OR COUNSEL ANY PERSON TO ENGAGE IN FRAUDULENT
30 CONDUCT;

31 (5) WHILE ENGAGING IN LOBBYING ACTIVITIES, KNOWINGLY MAKE TO
32 AN OFFICIAL OR EMPLOYEE A STATEMENT OF MATERIAL FACT RELATING TO
33 LOBBYING ACTIVITY THAT THE REGULATED LOBBYIST KNOWS TO BE FALSE;

1 (6) ENGAGE IN LOBBYING WITHOUT BEING PROPERLY REGISTERED AS A
2 REGULATED LOBBYIST IN ACCORDANCE WITH § 15-701 OF THIS SUBTITLE;

3 (7) REQUEST AN OFFICIAL OR EMPLOYEE TO RECOMMEND TO A
4 POTENTIAL CLIENT THE LOBBYING SERVICES OF THE REGULATED LOBBYIST OR ANY
5 OTHER REGULATED LOBBYIST;

6 (8) MAKE A GIFT, DIRECTLY OR INDIRECTLY, TO AN OFFICIAL OR
7 EMPLOYEE IF THE REGULATED LOBBYIST KNOWS OR HAS REASON TO KNOW THE
8 GIFT IS IN VIOLATION OF SUBTITLE 5 OF THIS TITLE;

9 (9) MAKE A GIFT DIRECTLY OR INDIRECTLY AS A RESULT OF A
10 SOLICITATION OR FACILITATION, WHICH THE REGULATED LOBBYIST KNOWS OR HAS
11 REASON TO KNOW IS PROHIBITED UNDER § 15-505(A)(2) OF THIS TITLE;

12 (10) IF THE REGULATED LOBBYIST IS AN INDIVIDUAL, ENGAGE IN ANY
13 CHARITABLE FUND-RAISING ACTIVITY AT THE REQUEST OF AN OFFICIAL OR
14 EMPLOYEE, INCLUDING SOLICITING, TRANSMITTING THE SOLICITATION OF, OR
15 TRANSMITTING A CHARITABLE CONTRIBUTION;

16 (11) UNLESS IN THE ORDINARY COURSE OF BUSINESS OF THE
17 REGULATED LOBBYIST, MAKE OR FACILITATE THE MAKING OF ANY LOAN OF MONEY,
18 GOODS, OR SERVICES TO AN OFFICIAL OR EMPLOYEE;

19 (12) WHILE ENGAGING IN LOBBYING ACTIVITIES ON BEHALF OF AN
20 ENTITY, KNOWINGLY CONCEAL FROM AN OFFICIAL OR EMPLOYEE, THE IDENTITY OF
21 THE ENTITY;

22 (13) COMMIT A CRIMINAL OFFENSE ARISING FROM LOBBYING ACTIVITY;
23 OR

24 (14) IF SERVING ON THE STATE OR A LOCAL CENTRAL COMMITTEE OF A
25 POLITICAL PARTY, PARTICIPATE:

26 (I) AS AN OFFICER OF THE CENTRAL COMMITTEE;

27 (II) IN FUND-RAISING ACTIVITY ON BEHALF OF THE POLITICAL
28 PARTY; OR

29 (III) IN ACTIONS RELATING TO FILLING A VACANCY IN A PUBLIC
30 OFFICE.

31 15-714.

32 (a) In this section, "candidate", "CONTRIBUTION", and "political committee"
33 have the meanings provided in Article 33, § 1-101 of the Code.

34 (b) This section applies only to a regulated lobbyist described in §
35 15-701(a)(1), (2), [or] (3), OR (4) of this subtitle [who lobbies the Executive or
36 Legislative Branch].

1 (c) The restrictions in this section apply from the starting date of the
2 regulated lobbyist's registration to the end of the calendar year in which the
3 registration period ends.

4 (d) (1) A regulated lobbyist who is subject to this section or a person acting
5 on behalf of the regulated lobbyist may not, for the benefit of the Governor,
6 Lieutenant Governor, Attorney General, Comptroller, or member of the General
7 [Assembly] ASSEMBLY, or candidate for election to the office of Governor, Lieutenant
8 Governor, Attorney General, Comptroller, or member of the General Assembly,
9 ENGAGE IN THE FOLLOWING ACTIVITIES:

10 (i) [solicit or transmit] SOLICITING OR TRANSMITTING a political
11 contribution from any person, including a political committee;

12 (ii) [serve] SERVING on a fund-raising committee or a political
13 committee; [or]

14 (iii) [act] ACTING as a treasurer FOR A CANDIDATE OR OFFICIAL OR
15 AS TREASURER or chairman of a political committee[.];

16 (IV) ORGANIZING OR ESTABLISHING A POLITICAL COMMITTEE FOR
17 THE PURPOSE OF SOLICITING OR TRANSMITTING CONTRIBUTIONS FROM ANY
18 PERSON; OR

19 (V) FORWARDING TICKETS FOR FUND-RAISING ACTIVITIES, OR
20 OTHER SOLICITATIONS FOR POLITICAL CONTRIBUTIONS, TO A POTENTIAL
21 CONTRIBUTOR.

22 (2) This section does not prohibit a regulated lobbyist from:

23 (i) making a personal political contribution; [or]

24 (ii) informing any entity of a position taken by a candidate OR
25 OFFICIAL; OR

26 (III) ENGAGING IN OTHER ACTIVITIES NOT SPECIFICALLY
27 PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

28 (3) THIS SECTION DOES NOT APPLY TO A REGULATED LOBBYIST WHO IS
29 A CANDIDATE WITH RESPECT TO THE REGULATED LOBBYIST'S OWN CAMPAIGN.

30 15-715.

31 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

33 (2) "APPLICABLE CONTRIBUTION" MEANS A CONTRIBUTION OR SERIES
34 OF CONTRIBUTIONS MADE TO OR FOR THE BENEFIT OF AN APPLICABLE RECIPIENT
35 IN A CUMULATIVE AMOUNT OF MORE THAN \$500. A CONTRIBUTION MADE TO A

1 POLITICAL COMMITTEE FOR AN APPLICABLE RECIPIENT IS DEEMED A
2 CONTRIBUTION TO THE APPLICABLE RECIPIENT.

3 (3) "APPLICABLE RECIPIENT" MEANS A CANDIDATE FOR, OR AN
4 OFFICIAL HOLDING, ANY OF THE FOLLOWING OFFICES:

5 (I) GOVERNOR;

6 (II) LIEUTENANT GOVERNOR;

7 (III) ATTORNEY GENERAL;

8 (IV) COMPTROLLER; OR

9 (V) MEMBER OF THE GENERAL ASSEMBLY.

10 (B) SUBJECT TO SUBSECTION (H) OF THIS SECTION, A PERSON SHALL FILE A
11 STATEMENT IN ACCORDANCE WITH THIS SECTION IF AT ANY TIME DURING THE
12 REPORTING PERIOD THE PERSON:

13 (1) SPENT AT LEAST \$500 TO PROVIDE COMPENSATION TO ONE OR MORE
14 REGULATED LOBBYISTS; AND

15 (2) MADE OR CAUSED TO BE MADE AN APPLICABLE CONTRIBUTION.

16 (C) A STATEMENT REQUIRED BY THIS SECTION SHALL BE FILED WITH THE
17 STATE BOARD OF ELECTIONS.

18 (D) (1) THE REPORTING PERIOD IS THE 6-MONTH PERIOD ENDING ON
19 EITHER JANUARY 31 OR JULY 31.

20 (2) THE STATEMENT SHALL BE FILED WITHIN 5 DAYS AFTER THE END
21 OF THE REPORTING PERIOD.

22 (E) THE STATEMENT REQUIRED BY THIS SECTION SHALL BE MADE UNDER
23 OATH AND SHALL CONTAIN:

24 (1) THE NAME OF EACH APPLICABLE RECIPIENT TO WHOM AN
25 APPLICABLE CONTRIBUTION WAS MADE OR CAUSED TO BE MADE DURING THE
26 REPORTING PERIOD AND, IF NOT PREVIOUSLY REPORTED, DURING THE PRECEDING
27 REPORTING PERIOD;

28 (2) THE OFFICE HELD OR SOUGHT BY EACH APPLICABLE RECIPIENT
29 NAMED IN ITEM (1) OF THIS PARAGRAPH;

30 (3) THE AGGREGATE CONTRIBUTIONS MADE TO EACH APPLICABLE
31 RECIPIENT;

32 (4) THE NAME OF EACH REGULATED LOBBYIST EMPLOYED OR
33 RETAINED BY THE PERSON FILING THE STATEMENT; AND

1 (5) IF A CONTRIBUTION WAS MADE BY ANOTHER PERSON BUT IS
2 ATTRIBUTED TO THE PERSON FILING THE STATEMENT, THE NAME OF THE PERSON
3 WHO MADE THE CONTRIBUTION AND THE RELATIONSHIP OF THAT PERSON TO THE
4 PERSON FILING THE STATEMENT.

5 (F) IF THE PERSON FILING THE STATEMENT IS A BUSINESS ENTITY:

6 (1) A CONTRIBUTION, REGARDLESS OF AMOUNT, MADE BY AN OFFICER,
7 DIRECTOR, OR PARTNER OF THE BUSINESS ENTITY OR, IF MADE AT THE SUGGESTION
8 OR DIRECTION OF THE BUSINESS ENTITY, BY AN EMPLOYEE, AGENT, OR OTHER
9 PERSON, SHALL BE ATTRIBUTED TO THE BUSINESS ENTITY;

10 (2) EACH OFFICER, DIRECTOR, OR PARTNER OF THE BUSINESS ENTITY
11 WHO MAKES OR CAUSES TO BE MADE A CONTRIBUTION, REGARDLESS OF AMOUNT,
12 SHALL REPORT THE CONTRIBUTION TO THE CHIEF EXECUTIVE OFFICER OF THE
13 BUSINESS ENTITY;

14 (3) EACH EMPLOYEE, AGENT, OR OTHER PERSON WHO MAKES OR
15 CAUSES TO BE MADE A CONTRIBUTION, REGARDLESS OF AMOUNT, AT THE
16 SUGGESTION OR DIRECTION OF THE BUSINESS ENTITY SHALL REPORT THE
17 CONTRIBUTION TO THE CHIEF EXECUTIVE OFFICER OF THE BUSINESS ENTITY;

18 (4) CONTRIBUTIONS MADE BY, OR CAUSED TO BE MADE BY, A
19 SUBSIDIARY, 30% OR MORE OF THE EQUITY OF WHICH THE BUSINESS ENTITY OWNS
20 OR CONTROLS, SHALL BE ATTRIBUTED TO THE BUSINESS ENTITY; AND

21 (5) IF A SUBSIDIARY DESCRIBED IN ITEM (4) OF THIS SUBSECTION MADE
22 AN EXPENDITURE TO PROVIDE COMPENSATION TO ONE OR MORE REGULATED
23 LOBBYISTS, THE EXPENDITURE SHALL BE ATTRIBUTED TO THE BUSINESS ENTITY.

24 (G) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (F) OF THIS
25 SECTION, A CONTRIBUTION MADE BY AN INDIVIDUAL WHO SERVES AS A TRUSTEE OR
26 MEMBER OF THE BOARD OF DIRECTORS OF A NOT FOR PROFIT ORGANIZATION IS NOT
27 ATTRIBUTABLE TO THE ORGANIZATION AND THE INDIVIDUAL IS NOT REQUIRED TO
28 REPORT THE CONTRIBUTION TO THE CHIEF EXECUTIVE OFFICER OF THE
29 ORGANIZATION, UNLESS:

30 (1) THE CONTRIBUTION IS MADE ON THE RECOMMENDATION OF THE
31 NOT FOR PROFIT ORGANIZATION; OR

32 (2) THE INDIVIDUAL WHO MADE THE CONTRIBUTION IS PAID BY THE
33 NOT FOR PROFIT ORGANIZATION.

34 (H) A PERSON WHO FILES, UNDER THE PROVISIONS OF ARTICLE 33, TITLE 14
35 OF THE CODE, ALL INFORMATION REQUIRED BY THIS SECTION MAY SATISFY THE
36 REQUIREMENTS OF THIS SECTION BY SUBMITTING A NOTICE TO THAT EFFECT ON
37 THE APPROPRIATE PRESCRIBED FORM.

38 (I) THE STATE BOARD OF ELECTIONS SHALL:

1 (1) PRESCRIBE AND MAKE AVAILABLE FORMS FOR THE STATEMENT
2 AND NOTICE REQUIRED BY THIS SECTION;

3 (2) RETAIN EACH STATEMENT FILED UNDER THIS SECTION IN THE
4 SAME MANNER, AND SUBJECT TO THE SAME STANDARDS OF PUBLIC ACCESS, AS A
5 STATEMENT FILED UNDER THE PROVISIONS OF ARTICLE 33, TITLE 14 OF THE CODE;
6 AND

7 (3) REPORT ANY VIOLATION OF THIS SECTION TO THE ETHICS
8 COMMISSION.

9 (J) THE STATEMENT REQUIRED UNDER THIS SECTION SHALL BE FILED IN
10 THE MANNER PRESCRIBED FOR STATEMENTS FILED UNDER ARTICLE 33, TITLE 14 OF
11 THE CODE.

12 (K) (1) A PERSON WHO KNOWINGLY AND WILLFULLY FAILS TO COMPLY
13 WITH THE REQUIREMENTS OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON
14 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT
15 EXCEEDING 1 YEAR OR BOTH.

16 (2) IF A PERSON IN VIOLATION OF THIS SECTION IS A BUSINESS ENTITY,
17 EACH OFFICER AND PARTNER OF A BUSINESS ENTITY WHO KNOWINGLY
18 AUTHORIZED OR PARTICIPATED IN THE VIOLATION OF THIS SECTION IS GUILTY OF A
19 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
20 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

21 15-903.

22 (a) [A] EXCEPT AS PROVIDED IN § 15-715 OF THIS TITLE, A person who
23 knowingly and willfully violates Subtitle 7 of this title is guilty of a misdemeanor and
24 on conviction is subject to a fine not exceeding [\$1,000] \$10,000 or imprisonment not
25 exceeding 1 year or both.

26 (b) If the person is not an individual, each officer or partner who knowingly
27 authorizes or participates in a violation of Subtitle 7 of this title is guilty of a
28 misdemeanor and on conviction is subject to the penalty specified in subsection (a) of
29 this section.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2001.