

HOUSE BILL 2

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2001 Regular Session
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(PRE-FILED)

By: Delegates Taylor, Dewberry, Hurson, Arnick, Busch, Doory, Guns, Harrison, Hixson, Kopp, Menes, Montague, Rawlings, Rosenberg, Vallario, and Wood Wood, Benson, Bobo, Brinkley, Bronrott, Clagett, Dobson, Dvpski, Glassman, Kittleman, Malone, Mandel, McIntosh, Paige, Parrott, Riley, Shank, Snodgrass, and Sophocleus Sophocleus, W. Baker, Barkley, Barve, Boutin, Burns, Cadden, Carlson, Cole, Conroy, D'Amato, Eckardt, Elliott, Finifter, Fulton, Gladden, Goldwater, Grosfeld, Hammen, Heller, Hubers, James, Kach, Krysiak, La Vay, Leopold, Love, McHale, McKee, Mohorovic, Pendergrass, Pitkin, Rosso, Rudolph, Turner, Valderrama, and Shriver

Requested: November 15, 2000

Introduced and read first time: January 10, 2001

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: January 30, 2001

CHAPTER_____

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

Commission to initiate certain complaints within a certain period of time; establishing a procedure for reinstatement of a lobbyist whose registration has been suspended or revoked; altering certain requirements relating to registration as a regulated lobbyist; altering certain exceptions from the registration requirement; altering certain notice and reporting requirements for the termination of registration; requiring certain regulated lobbyists to terminate registration under certain circumstances; requiring certain individual regulated lobbyists to file a certain report with the Commission disclosing certain political contributions; establishing certain procedures for reporting by regulated lobbyists of meals and receptions to which are invited all members of a legislative unit; requiring the Commission to develop procedures for electronic filing and public inspection of certain reports of certain regulated lobbyists; prohibiting certain activities by certain regulated lobbyists engaging in certain lobbying activities; prohibiting certain regulated lobbyists from organizing or establishing certain political committees or forwarding certain tickets to a potential contributor; requiring certain persons who compensate a regulated lobbyist and who make certain contributions under certain circumstances to file a report with the State Board of Elections; specifying that certain contributions are attributable to certain entities for the purposes of the report; requiring disclosure of certain contributions from certain persons involved in certain business entities to the chief executive officer of the entity; increasing and establishing certain criminal penalties; making stylistic changes; defining certain terms; providing for the effective date of this Act; and generally relating to the regulation of lobbyists under the Public Ethics Law.

BY renumbering

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

BY repealing

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

BY repealing and reenacting, with amendments,

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

BY repealing and reenacting, without amendments,

Article - State Government

1 Section 15-102(m) and (w), 15-205(a)(6), (c), and (d), 15-401, 15-403, 15-404,
2 and 15-406
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 15-204(d), 15-205(e), 15-405, 15-505(a), 15-701, 15-703(f), 15-704,
8 and 15-903
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2000 Supplement)

11 BY adding to
12 Article - State Government
13 Section 15-205(e), 15-707 through 15-709, and 15-715
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2000 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - State Government
18 Section 15-712(b), 15-713, and 15-714
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2000 Supplement)
21 (As enacted by Section 1 of this Act)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That Section(s) 15-705 through 15-707, respectively, of Article - State
24 Government of the Annotated Code of Maryland be renumbered to be Section(s)
25 15-712 through 15-714, respectively.

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

28 **Article 33 - Election Code**

29 13-201.

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

32 2. A lobbyist, or a person acting on behalf of a lobbyist, may
33 not organize or establish a political committee for the purpose of soliciting or
34 transmitting contributions or transfers from any person to the Governor, Lieutenant
35 Governor, Attorney General, Comptroller, or member of the General Assembly or
36 candidate for election to the office of Governor, Lieutenant Governor, Attorney
37 General, Comptroller, or member of the General Assembly.

1 (ii) This paragraph may not be construed to prohibit a lobbyist
2 from:

- 3 1. Being a candidate; or
4 2. Making a personal contribution within the limitations
5 established under this article.]

6 **Article - Courts and Judicial Proceedings**

7 5-106.

8 (f) A prosecution for the commission of or the attempt to commit a
9 misdemeanor constituting: (1) except as provided in subsection (h) of this section, a
10 criminal offense under the State election laws; or (2) a criminal offense under the
11 [State conflict of interest laws] MARYLAND PUBLIC ETHICS LAW; or (3) criminal
12 malfeasance, misfeasance, or nonfeasance in office committed by an officer of the
13 State, or of an agency of the State, or of a political subdivision of the State, or of a
14 bicounty or multicounty agency in the State shall be instituted within 2 years after
15 the offense was committed.

16 **Article - State Government**

17 15-102.

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

- 20 (i) is established by law; and
21 (ii) is not in the Legislative Branch or the Judicial Branch of State
22 government.

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

26 (w) "Legislative unit" means:

- 27 (1) the General Assembly;
28 (2) either house of the General Assembly;
29 (3) a standing committee of the General Assembly, provided that the
30 presiding officer of the House of Delegates or Senate shall be deemed an ex officio
31 member of any standing committee of the presiding officer's chamber; or
32 (4) a county or regional delegation of members of the General Assembly
33 that is recognized by a presiding officer of the General Assembly.

1 15-204.

2 (d) (1) The Ethics Commission:

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

4 1. an executive director;

5 2. a general counsel; and

6 3. a staff counsel; and

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

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

12 15-205.

13 (a) The Ethics Commission shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) (1) (I) THE ETHICS COMMISSION SHALL PROVIDE A TRAINING COURSE FOR REGULATED LOBBYISTS AND PROSPECTIVE REGULATED LOBBYISTS AT LEAST TWICE EACH YEAR REGARDING THE PROVISIONS OF THE MARYLAND PUBLIC ETHICS LAW RELEVANT TO REGULATED LOBBYISTS. ONE SUCH COURSE SHALL BE CONDUCTED IN THE MONTH OF JANUARY.

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

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

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

(1) an annual report on its activities; and

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

15-401.

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

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

(i) signed; and

(ii) made under oath.

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

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

3 15-403.

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

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

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

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

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

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

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

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

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

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

24 15-404.

25 (a) (1) A hearing on a complaint shall be conducted under Title 10, Subtitle
26 2 (Administrative Procedure Act - Contested Cases) of this article to the extent that
27 subtitle is consistent with this title.

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

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

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

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

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

2 15-405.

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

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

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

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

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

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

15 (2) issue a reprimand; or

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

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

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

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

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

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

30 (I) SUSPEND THE REGISTRATION OF AN INDIVIDUAL REGULATED
31 LOBBYIST IF THE ETHICS COMMISSION DETERMINES THAT THE INDIVIDUAL
32 REGULATED LOBBYIST:

33 1. HAS KNOWINGLY AND WILLFULLY VIOLATED SUBTITLE 7
34 OF THIS TITLE; OR

38 (II) THE INDIVIDUAL'S SUBSEQUENT CONDUCT AND
39 REFORMATION; AND

1 (III) THE PRESENT ABILITY OF THE INDIVIDUAL TO COMPLY WITH
2 THE PROVISIONS OF THE ETHICS LAW.

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

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

9 15-406.

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

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

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

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

19 15-505.

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

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

24 (3)] An official may not directly solicit or facilitate the solicitation of a
25 gift, on behalf of another person, from an individual regulated lobbyist described in §
26 15-701(a)(1) of this title.

27 15-701.

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

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

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

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

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

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

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

14 (3) SUBJECT TO SUBSECTION (B)(3) OF THIS SECTION, is [employed]
15 COMPENSATED to influence executive action on a procurement contract that exceeds
16 \$100,000;

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

21 [(4)] (5) spends at least \$2,000, including EXPENDITURES FOR
22 SALARIES, CONTRACTUAL EMPLOYEES, postage, TELECOMMUNICATIONS SERVICES,
23 ELECTRONIC SERVICES, ADVERTISING, PRINTING, AND DELIVERY SERVICES for the
24 express purpose of soliciting others to communicate with an official to influence
25 legislative action or executive action; or

26 [(5)] (6) spends at least \$500 to provide compensation to one or more
27 entities required to register under this subsection.

28 (b) (1) The following activities are exempt from regulation under this
29 subtitle:

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

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

36 (iii) representation of a bona fide religious organization to the
37 extent the representation is for the purpose of protecting the right of its members to
38 practice the doctrine of the organization;

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

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

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

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

14 (ii) appearances before the entire General Assembly, or any
15 committee or subcommittee of the General Assembly, at the specific request of the
16 body involved; [or]

17 (iii) appearances before a legislative committee at the specific
18 request of a regulated lobbyist, if the witness notifies the committee that the witness
19 is testifying at the request of the regulated lobbyist;

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

22 (V) APPEARANCES BEFORE AN EXECUTIVE UNIT AT THE SPECIFIC
23 REQUEST OF A REGULATED LOBBYIST, IF THE WITNESS NOTIFIES THE EXECUTIVE
24 UNIT THAT THE WITNESS IS TESTIFYING AT THE REQUEST OF THE REGULATED
25 LOBBYIST.

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

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

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

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

5 15-703.

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

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

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

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

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

14 (ii) after ceasing activity in accordance with item (i) of this
15 paragraph[,:]

16 1. FILING A NOTICE OF TERMINATION WITH THE ETHICS
17 COMMISSION; AND

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

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

22 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
23 PARAGRAPH, IF A REGULATED LOBBYIST IS OR BECOMES SUBJECT TO REGULATION
24 UNDER THIS TITLE AS AN OFFICIAL OR EMPLOYEE, THE REGULATED LOBBYIST
25 SHALL IMMEDIATELY TERMINATE THE REGISTRATION IN ACCORDANCE WITH
26 PARAGRAPH (2) OF THIS SUBSECTION.

27 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO A
28 REGULATED LOBBYIST APPOINTED TO AN ADVISORY GOVERNMENTAL BODY OF
29 LIMITED DURATION.

30 15-704.

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

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

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

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

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

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

9 (1) a complete, current statement of the information required under §
10 15-703(b) of this subtitle;

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

13 (i) total [compensation paid to the] INDIVIDUAL regulated lobbyist
14 COMPENSATION, excluding:

15 1.] expenses reported under this paragraph; [and

16 2. salaries, compensation, and reimbursed expenses for the
17 regulated lobbyist's staff;]

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

19 1.] office expenses of the regulated lobbyist; [and

20 2.] (III) professional and technical research and assistance;

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

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

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

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

34 [2. food or beverages received by members of the General
35 Assembly at the time and geographic location of a meeting of a legislative

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

7 (I) IS ATTRIBUTABLE TO MORE THAN ONE ENTITY; OR

8 (II) WAS GIVEN IN CONNECTION WITH LOBBYING ACTIVITY.

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

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

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

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

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

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

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

29 15-705.

30 [(d) (1)] (A) [Subject to subsection (e) of this section, in] IN addition to any
31 other report required under this [section] SUBTITLE, a regulated lobbyist shall file[,
32 with the report required by subsection (a) of this section,] a SEPARATE report
33 disclosing the name of any State official of the Executive Branch or member of the
34 immediate family of a State official of the Executive Branch who has benefitted
35 during the reporting period from gifts of meals or beverages FROM THE REGULATED
36 LOBBYIST, whether or not in connection with lobbying activities, allowed under [§
37 15-505(c)(2)(i)] § 15-505(C)(2)(I)1 of this title [from the regulated lobbyist].

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

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

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

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

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

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

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

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

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

23 15-706.

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

27 [(ii)] (2) This [subsection] SECTION may not be construed to apply
28 to an entity that employs an individual regulated lobbyist who is described in §
29 15-701(a)(1), (2), or (3) of this subtitle.

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

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

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

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

8 [(i)] (1) a member of the General Assembly;

9 [(ii)] (2) the Governor;

10 [(iii)] (3) the Lieutenant Governor;

11 [(iv)] (4) the Attorney General;

12 [(v)] (5) the Secretary of State;

13 [(vi)] (6) the Comptroller of the Treasury;

14 [(vii)] (7) the State Treasurer;

15 [(viii)] (8) the Secretary of any principal State department;

16 [(ix)] (9) the spouse of an individual listed in items [(i)] (1) through
17 [(viii)] (8) of this [paragraph] SUBSECTION;

18 [(x)] (10) a business entity in which an individual listed in items
19 [(i)] (1) through [(ix)] (9) of this [paragraph] SUBSECTION participates as a
20 proprietor or partner; or

21 [(xi)] (11) a business entity where an individual listed in items [(i)]
22 (1) through [(ix)] (9) of this [paragraph] SUBSECTION has an ownership interest of at
23 least 30% in the entity.

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

25 [(i)] (1) the date of the business transaction or dates of each of the
26 series of transactions;

27 [(ii)] (2) the name and title of the official listed in [paragraph (2)]
28 SUBSECTION (B) of this [subsection] SECTION who was involved in each business
29 transaction or series of transactions; and

30 [(iii)] (3) the nature and value of anything exchanged.

1 15-707.

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

6 (1) DIRECTLY OR INDIRECTLY BY THE REGULATED LOBBYIST;

7 (2) DURING THE REPORTING PERIOD;

8 (3) UNDER THE PROVISIONS OF ARTICLE 33 OF THE CODE; AND

9 (4) FOR THE BENEFIT OF THE GOVERNOR, LIEUTENANT GOVERNOR,
10 ATTORNEY GENERAL, COMPTROLLER, OR MEMBER OF THE GENERAL ASSEMBLY, OR A
11 CANDIDATE FOR ELECTION TO ANY OF THOSE OFFICES.

12 (B) THE REPORT SHALL STATE:

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

15 (2) THE TOTAL CONTRIBUTIONS FOR THE BENEFIT OF THAT OFFICIAL
16 OR CANDIDATE.

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

19 15-708.

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

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

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

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

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

30 (2) THE LEGISLATIVE UNIT INVITED.

31 (C) (1) BASED ON INFORMATION CONTAINED IN A LEGISLATIVE UNIT
32 REGISTRATION REPORT FILED UNDER SUBSECTION (A) OF THIS SECTION, THE
33 DEPARTMENT OF LEGISLATIVE SERVICES SHALL PUBLISH ONCE A WEEK A LIST

1 CONTAINING THE DATE AND LOCATION OF EACH UPCOMING MEAL OR RECEPTION
2 AND THE IDENTITY OF THE LEGISLATIVE UNIT INVITED.

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

6 (II) WITHIN 3 BUSINESS DAYS OF RECEIPT OF A LEGISLATIVE UNIT
7 REGISTRATION REPORT REQUIRED UNDER THIS SECTION, THE DEPARTMENT OF
8 LEGISLATIVE SERVICES SHALL FORWARD THE ORIGINAL REGISTRATION REPORT TO
9 THE STATE ETHICS COMMISSION.

10 (III) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL
11 MAINTAIN A PHOTOCOPY OR ELECTRONIC COPY OF EACH REGISTRATION REPORT
12 REQUIRED UNDER THIS SECTION.

13 (D) (1) (I) A REGULATED LOBBYIST WHO IS REQUIRED TO REGISTER
14 UNDER SUBSECTION (A) OF THIS SECTION SHALL REPORT THE TOTAL COST OF THE
15 MEAL OR RECEPTION, INCLUDING THE IDENTITY OF ANY SPONSOR WHO
16 CONTRIBUTES TO THE COST AND THE AMOUNT OF THE CONTRIBUTION, TO THE
17 ETHICS COMMISSION WITHIN 14 DAYS AFTER THE DATE OF THE MEAL OR
18 RECEPTION.

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

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

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

31 15-709.

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

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

36 (2) SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION
37 ELECTRONICALLY.

1 15-710.

2 [(e)] This [section] SUBTITLE does not require the disclosure by a regulated
3 lobbyist of any gift to the regulated lobbyist's immediate family, if the gift is:

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

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

8 15-711.

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

11 15-712.

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

16 {(i)} ~~(1)~~ notify the official or employee within 30 days of receipt of
17 the report by the Ethics Commission; and

18 {(ii)} ~~(2)~~ keep the report confidential for 60 days after its receipt.

19 {(2)} ~~(B)~~ Within 30 days after receiving the notice, the official or
20 employee may submit a written exception to the inclusion in the report of the name of
21 the official, employee, or member of the official's or employee's immediate family.

22 15-713.

23 A regulated lobbyist may not:

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

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

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

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

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

32 (2) INITIATE OR ENCOURAGE THE INTRODUCTION OF LEGISLATION FOR
33 THE PURPOSE OF OPPOSING THE LEGISLATION;

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

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

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

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

10 (7) REQUEST AN OFFICIAL OR EMPLOYEE TO RECOMMEND TO A
11 POTENTIAL CLIENT THE LOBBYING SERVICES OF THE REGULATED LOBBYIST OR ANY
12 OTHER REGULATED LOBBYIST;

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

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

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

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

26 (12) WHILE ENGAGING IN LOBBYING ACTIVITIES ON BEHALF OF AN
27 ENTITY, KNOWINGLY CONCEAL FROM AN OFFICIAL OR EMPLOYEE, THE IDENTITY OF
28 THE ENTITY;

29 (13) COMMIT A CRIMINAL OFFENSE ARISING FROM LOBBYING ACTIVITY;
30 OR

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

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

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

1 (III) IN ACTIONS RELATING TO FILLING A VACANCY IN A PUBLIC
2 OFFICE.

3 15-714.

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

6 (b) This section applies only to a regulated lobbyist described in §
7 15-701(a)(1), (2), [or] (3), OR (4) of this subtitle [who lobbies the Executive or
8 Legislative Branch].

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

12 (d) (1) A regulated lobbyist who is subject to this section or a person acting
13 on behalf of the regulated lobbyist may not, for the benefit of the Governor,
14 Lieutenant Governor, Attorney General, Comptroller, or member of the General
15 [Assembly] ASSEMBLY, or candidate for election to the office of Governor, Lieutenant
16 Governor, Attorney General, Comptroller, or member of the General Assembly,
17 ENGAGE IN THE FOLLOWING ACTIVITIES:

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

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

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

24 (IV) ORGANIZING OR ESTABLISHING A POLITICAL COMMITTEE FOR
25 THE PURPOSE OF SOLICITING OR TRANSMITTING CONTRIBUTIONS FROM ANY
26 PERSON; OR

27 (V) FORWARDING TICKETS FOR FUND-RAISING ACTIVITIES, OR
28 OTHER SOLICITATIONS FOR POLITICAL CONTRIBUTIONS, TO A POTENTIAL
29 CONTRIBUTOR.

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

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

32 (ii) informing any entity of a position taken by a candidate OR
33 OFFICIAL; OR

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

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

3 15-715.

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (2) "APPLICABLE CONTRIBUTION" MEANS A CONTRIBUTION OR SERIES
7 OF CONTRIBUTIONS MADE TO OR FOR THE BENEFIT OF AN APPLICABLE RECIPIENT
8 IN A CUMULATIVE AMOUNT OF MORE THAN \$500. A CONTRIBUTION MADE TO A
9 POLITICAL COMMITTEE FOR AN APPLICABLE RECIPIENT IS DEEMED A
10 CONTRIBUTION TO THE APPLICABLE RECIPIENT.

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

13 (I) GOVERNOR;

14 (II) LIEUTENANT GOVERNOR;

15 (III) ATTORNEY GENERAL;

16 (IV) COMPTROLLER; OR

17 (V) MEMBER OF THE GENERAL ASSEMBLY.

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

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

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

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

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

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

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

32 (1) THE NAME OF EACH APPLICABLE RECIPIENT TO WHOM AN
33 APPLICABLE CONTRIBUTION WAS MADE OR CAUSED TO BE MADE DURING THE

1 REPORTING PERIOD AND, IF NOT PREVIOUSLY REPORTED, DURING THE PRECEDING
2 REPORTING PERIOD;

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

5 (3) THE AGGREGATE CONTRIBUTIONS MADE TO EACH APPLICABLE
6 RECIPIENT;

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

9 (5) IF A CONTRIBUTION WAS MADE BY ANOTHER PERSON BUT IS
10 ATTRIBUTED TO THE PERSON FILING THE STATEMENT, THE NAME OF THE PERSON
11 WHO MADE THE CONTRIBUTION AND THE RELATIONSHIP OF THAT PERSON TO THE
12 PERSON FILING THE STATEMENT.

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

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

18 (2) EACH OFFICER, DIRECTOR, OR PARTNER OF THE BUSINESS ENTITY
19 WHO MAKES OR CAUSES TO BE MADE A CONTRIBUTION, REGARDLESS OF AMOUNT,
20 SHALL REPORT THE CONTRIBUTION TO THE CHIEF EXECUTIVE OFFICER OF THE
21 BUSINESS ENTITY;

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

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

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

32 (G) NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION (F) OF THIS
33 SECTION, A CONTRIBUTION MADE BY AN INDIVIDUAL WHO SERVES AS A TRUSTEE OR
34 MEMBER OF THE BOARD OF DIRECTORS OF A NOT FOR PROFIT ORGANIZATION IS NOT
35 ATTRIBUTABLE TO THE ORGANIZATION AND THE INDIVIDUAL IS NOT REQUIRED TO
36 REPORT THE CONTRIBUTION TO THE CHIEF EXECUTIVE OFFICER OF THE
37 ORGANIZATION, UNLESS:

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

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

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

9 (I) THE STATE BOARD OF ELECTIONS SHALL:

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

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

16 (3) REPORT ANY VIOLATION OF THIS SECTION TO THE ETHICS
17 COMMISSION.

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

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

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

30 15-903.

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

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

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October~~ November 1, 2001.