
By: **Delegates Ports, DeCarlo, Klausmeier, and Redmer**

Introduced and read first time: February 9, 2001

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics Law - Governmental Lobbyists**

3 FOR the purpose of specifying that certain governmental officials or employees who
4 engage in certain lobbying activities during the regular session of the General
5 Assembly are not exempt from registration as regulated lobbyists; and generally
6 relating to lobbyist regulation and governmental lobbyists.

7 BY repealing and reenacting, with amendments,
8 Article - State Government
9 Section 15-701
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 2000 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - State Government**

15 15-701.

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

20 (1) for the purpose of influencing legislative action:

21 (i) communicates with an official or employee of the Legislative
22 Branch or Executive Branch in the presence of that official or employee; and

23 (ii) exclusive of the personal travel or subsistence expenses of the
24 entity or a representative of the entity, incurs expenses of at least \$100 or earns at
25 least \$500 as compensation;

1 (2) in connection with or for the purpose of influencing executive action,
2 spends a cumulative value of at least \$100 for meals, beverages, special events, or
3 gifts on one or more officials or employees of the Executive Branch;

4 (3) is employed to influence executive action on a procurement contract
5 that exceeds \$100,000;

6 (4) spends at least \$2,000, including postage, for the express purpose of
7 soliciting others to communicate with an official to influence legislative action or
8 executive action; or

9 (5) spends at least \$500 to provide compensation to one or more entities
10 required to register under this subsection.

11 (b) (1) The following activities are exempt from regulation under this
12 subtitle:

13 (i) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, appearances
14 as part of the official duties of an elected or appointed official or employee of the
15 State, a political subdivision of the State, or the United States, to the extent that the
16 appearance is not on behalf of any other entity;

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

20 (iii) representation of a bona fide religious organization to the
21 extent the representation is for the purpose of protecting the right of its members to
22 practice the doctrine of the organization;

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

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

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

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

36 (ii) appearances before the entire General Assembly, or any
37 committee or subcommittee of the General Assembly, at the specific request of the
38 body involved; or

1 (iii) appearances before a legislative committee at the specific
2 request of a regulated lobbyist, if the witness notifies the committee that the witness
3 is testifying at the request of the regulated lobbyist.

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

9 (4) A PUBLIC OFFICIAL OR EMPLOYEE OF THE STATE, OR OF A
10 POLITICAL SUBDIVISION OF THE STATE, WHOSE OFFICIAL DUTIES DURING THE
11 REGULAR SESSION OF THE GENERAL ASSEMBLY CONSIST PRIMARILY OF
12 ATTEMPTING TO INFLUENCE LEGISLATIVE ACTION, IS NOT EXEMPT FROM
13 REGISTRATION UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.

14 (c) (1) Except for providing the authorization required by § 15-702 of this
15 subtitle and the report required by § 15-704(c) of this subtitle, an entity that
16 compensates one or more regulated lobbyists, and that reasonably believes that all
17 expenditures requiring registration will be reported by the regulated lobbyist or
18 lobbyists, is exempt from the registration and reporting requirements of this subtitle
19 if the entity engages in no other act that requires registration.

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2001.