

SENATE BILL 419

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2001 Regular Session
1lr0377

By: **Senators Frosh, Astle, Currie, Dyson, Harris, Pinsky, and Van Hollen**
Introduced and read first time: February 2, 2001
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics - Gifts of Food or Beverages at Meetings of Legislative Organizations**

3 FOR the purpose of altering a provision of the Ethics Law that allows a member of the
4 General Assembly to accept gifts of food or beverages under certain
5 circumstances at a meeting of a legislative organization; and generally relating
6 to the acceptance of food or beverages from individual regulated lobbyists by
7 members of the General Assembly at meetings of a legislative organization.

8 BY repealing and reenacting, without amendments,
9 Article - State Government
10 Section 15-505(a) and (b)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2000 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - State Government
15 Section 15-505(c)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2000 Supplement)

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

20 **Article - State Government**

21 15-505.

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

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

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

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

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

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

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

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

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

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

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

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

23 2. the official or employee believes or has reason to believe
24 that the gift is designed to impair the impartiality and independent judgment of the
25 official or employee.

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

28 (i) 1. except for officials of the Legislative Branch, meals or
29 beverages received and consumed by the official or employee in the presence of the
30 donor or sponsoring entity;

31 2. for officials of the Legislative Branch, food or beverages
32 received and consumed by the official in the presence of the donor or sponsoring
33 entity as part of a meal or reception, to which were invited all members of a
34 legislative unit; OR

35 3. for a member of the General Assembly, food or beverages
36 received from a donor or sponsoring entity, other than an individual regulated

1 lobbyist described in § 15-701(a)(1) of this title, during a period when the General
2 Assembly is not in session, at a location that is within a county that contains the
3 member's district, provided that the donor or sponsoring entity is located within a
4 county that contains the member's district; or

5
6 4. for a member of the General Assembly, food or beverages
7 received at the time and geographic location of a meeting of a legislative organization
8 for which the member's presiding officer has approved the member's attendance at
9 State expense, PROVIDED THAT ALL LEGISLATORS ATTENDING THE MEETING ARE
10 INVITED TO THE OCCASION AT WHICH THE FOOD OR BEVERAGES ARE SERVED;

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

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

14 (iv) as to a State official of the Executive or Legislative Branch,
15 unsolicited gifts that are not meals or alcoholic beverages and that do not exceed \$20
16 in cost, from a regulated lobbyist;

17 (v) trivial gifts of informational value;

18 (vi) in return for participation on a panel or a speaking engagement
19 at a meeting, reasonable expenses for food, travel, lodging, or scheduled
20 entertainment of the official or employee if the expenses are associated with the
21 meeting, except that, if such expenses for a State official of the Legislative or
22 Executive Branch are to be paid by a regulated lobbyist and are anticipated to exceed
23 \$500, the official shall notify the appropriate advisory body before attending the
24 meeting;

25 (vii) as to a member of the General Assembly, reasonable expenses
26 for food, travel, lodging, or scheduled entertainment to attend a legislative conference
27 that has been approved by the member's presiding officer;

28 (viii) tickets or free admission extended to an elected constitutional
29 officer from the person sponsoring or conducting the event, as a courtesy or ceremony
30 to the office, to attend a charitable, cultural, or political event;

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

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

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

36 (x) a gift from:

37 1. an individual related to the official or employee by blood or
38 marriage; or

1
2 the official or employee; or 2. any other individual who is a member of the household of
3
4 honoraria. (xi) to the extent provided in subsection (d) of this section,

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