
By: **Delegates Bobo, Pendergrass, Barkley, Bronrott, Hubbard, Kaiser,
Mandel, and Stocksdale**

Introduced and read first time: January 23, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics - Prohibition on Acceptance of Gifts by Legislators - Repeal of**
3 **Exception**

4 FOR the purpose of repealing an exception to the general gift acceptance prohibition
5 that allows a legislator to accept food or beverages received at the time and
6 geographic location of a meeting of a legislative organization for which the
7 member's presiding officer has approved the member's attendance at State
8 expense; and generally relating to acceptance of gifts by members of the General
9 Assembly.

10 BY repealing and reenacting, without amendments,
11 Article - State Government
12 Section 15-505(b)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - State Government
17 Section 15-505(c)
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2003 Supplement)

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

22 **Article - State Government**

23 15-505.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 3. for a member of the General Assembly, food or beverages
30 received from a donor or sponsoring entity, other than an individual regulated
31 lobbyist described in § 15-701(a)(1) of this title, during a period when the General
32 Assembly is not in session, at a location that is within a county that contains the
33 member's district, provided that the donor or sponsoring entity is located within a
34 county that contains the member's district; [or

35 4. for a member of the General Assembly, food or beverages
36 received at the time and geographic location of a meeting of a legislative organization

1 for which the member's presiding officer has approved the member's attendance at
2 State expense;]

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

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

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

9 (v) trivial gifts of informational value;

10 (vi) in return for participation on a panel or a speaking engagement
11 at a meeting, reasonable expenses for food, travel, lodging, or scheduled
12 entertainment of the official or employee if the expenses are associated with the
13 meeting, except that, if such expenses for a State official of the Legislative or
14 Executive Branch are to be paid by a regulated lobbyist and are anticipated to exceed
15 \$500, the official shall notify the appropriate advisory body before attending the
16 meeting;

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

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

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

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

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

28 (x) a gift from:

29 1. an individual related to the official or employee by blood or
30 marriage; or

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

33 (xi) to the extent provided in subsection (d) of this section,
34 honoraria.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
36 effect October 1, 2004.

