

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**

House Bill 1013 (Delegate McIntosh)  
Environmental Matters

---

**Ethics - Advisory Governmental Bodies - Membership - Regulated Lobbyists**

---

This bill modifies the requirement that the State Ethics Commission (SEC) adopt regulations that, at a minimum, authorize a regulated lobbyist to serve as an appointed member of an advisory governmental body of limited duration. Specifically, the bill repeals the provision that says the advisory governmental body be “of limited duration.”

---

**Fiscal Summary**

**State Effect:** None. The bill codifies existing practice.

**Local Effect:** None.

**Small Business Effect:** None.

---

**Analysis**

**Current Law:** SEC must adopt regulations establishing criteria under which a regulated lobbyist may serve on a State board or commission. The regulations are to: (1) include a classification of boards and commissions on which a regulated lobbyist may serve; (2) at a minimum, authorize a regulated lobbyist to serve on an advisory body of limited duration; and (3) establish disclosure requirements for registered lobbyists serving on boards and commissions that are similar to the disclosure requirements for members of the General Assembly.

SEC regulations require a regulated lobbyist to immediately terminate his/her registration if the lobbyist becomes an official or State employee. A regulated lobbyist who becomes a public official solely by the regulated lobbyist’s appointment to a board or commission

subject to the jurisdiction of SEC is exempt from this requirement. In addition to disclosure requirements, regulated lobbyists who are public officials solely because of their participation on boards or commissions are subject to the conflict of interest requirements set forth in State law.

**Background:** Chapter 631 of 2001 enacted the recommendations contained in the November 2000 *Report of the Study Commission on Lobbyist Ethics*, including the requirements for lobbyist registration, when a registered lobbyist must terminate registration, and reporting requirements. It specifically required termination of registration by a lobbyist who becomes subject to the Public Ethics Law as an official or employee. Thus, any lobbyist who became a member of an executive board or commission would be classified as a public official and required to terminate his/her registration as a lobbyist. A lobbyist who, as of April 15, 2001, was an official subject to regulation due to serving on a board or commission, was not required to terminate registration until November 1, 2002.

Chapter 405 of 2002 created an exemption to the restriction on lobbyists and allowed a lobbyist at minimum, to serve on an advisory board or commission “of limited duration,” and required SEC to adopt regulations to create classifications of boards and commissions on which lobbyists could serve without terminating their registration.

SEC advises that in practice, any lobbyist may serve on any advisory board or commission regardless of its duration provided that SEC determines that there is no conflict of interest. If the commission does find a conflict of interest, the lobbyist is required to disclose that fact and recuse themselves from decisions of the board or commission involving the conflict of interest.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Ethics Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - February 23, 2005  
mp/jr

---

Analysis by: Michelle L. Harrison-Davis

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510