

SENATE BILL 641

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9lr2369

By: **Senators Kittleman and Brochin**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics Reports – Meals or Receptions – Requirements**

3 FOR the purpose of requiring that all members of the General Assembly, instead of all
4 members of a legislative unit, be invited by a certain lobbyist to a meal or
5 reception for the meal or reception to be considered an exception to a certain
6 ban on certain gifts; altering a certain reporting requirement to provide that
7 certain officials and employees are not required to report as gifts food or
8 beverages consumed at a meal or reception to which all members of the General
9 Assembly are invited; requiring certain lobbyists to file a certain meals and
10 receptions registration report if the lobbyist invites all members of the General
11 Assembly to a certain meal or reception under certain circumstances; and
12 generally relating to reporting requirements under the State ethics law for
13 meals and receptions.

14 BY repealing and reenacting, without amendments,
15 Article – State Government
16 Section 15–102(a) and (g), 15–505(a) and (b), 15–607(a), and 15–704(a)
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2008 Supplement)

19 BY repealing
20 Article – State Government
21 Section 15–102(w)
22 Annotated Code of Maryland
23 (2004 Replacement Volume and 2008 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – State Government
26 Section 15–505(c), 15–607(e), 15–704(b), and 15–708
27 Annotated Code of Maryland
28 (2004 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY renumbering
2 Article – State Government
3 Section 15–102(x) through (mm), respectively
4 to be Section 15–102(w) through (ll), respectively
5 Annotated Code of Maryland
6 (2004 Replacement Volume and 2008 Supplement)

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

9 **Article – State Government**

10 15–102.

11 (a) In this title the following words have the meanings indicated unless:

12 (1) the context clearly requires a different meaning; or

13 (2) a different definition is adopted for a particular provision.

14 (g) (1) “Employee” means an individual who is employed:

15 (i) by an executive unit;

16 (ii) by the Legislative Branch; or

17 (iii) in the Judicial Branch.

18 (2) “Employee” does not include:

19 (i) a public official; or

20 (ii) a State official.

21 [(w) “Legislative unit” means:

22 (1) the General Assembly;

23 (2) either house of the General Assembly;

24 (3) a standing committee of the General Assembly, provided that the
25 presiding officer of the House of Delegates or Senate shall be deemed an ex officio
26 member of any standing committee of the presiding officer’s chamber; or

27 (4) a county or regional delegation of members of the General
28 Assembly that is recognized by a presiding officer of the General Assembly.]

1 15-505.

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

3 (2) An official may not directly solicit or facilitate the solicitation of a
4 gift, on behalf of another person, from an individual regulated lobbyist described in §
5 15-701(a)(1) of this title.

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

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

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

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

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

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

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

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

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

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

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

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

1 2. for officials of the Legislative Branch, food or
2 beverages received and consumed by the official in the presence of the donor or
3 sponsoring entity as part of a meal or reception, to which were invited all members of
4 [a legislative unit] **THE GENERAL ASSEMBLY**;

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

11 4. for a member of the General Assembly, food or
12 beverages received at the time and geographic location of a meeting of a legislative
13 organization for which the member's presiding officer has approved the member's
14 attendance at State expense;

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

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

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

21 (v) trivial gifts of informational value;

22 (vi) in return for participation on a panel or a speaking
23 engagement at a meeting, reasonable expenses for food, travel, lodging, or scheduled
24 entertainment of the official or employee if the expenses are associated with the
25 meeting, except that, if such expenses for a State official of the Legislative or
26 Executive Branch are to be paid by a regulated lobbyist and are anticipated to exceed
27 \$500, the official shall notify the appropriate advisory body before attending the
28 meeting;

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

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

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

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

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

4 (x) a gift from:

5 1. an individual related to the official or employee by
6 blood or marriage; or

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

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

11 15–607.

12 (a) A statement that is required by § 15–601(a) of this subtitle shall contain
13 schedules disclosing the information and interests specified in this section, if known,
14 for the individual making the statement for the applicable period under this subtitle.

15 (e) (1) This subsection does not apply to a gift received from a member of
16 the immediate family, another child, or a parent of the individual.

17 (2) The statement shall include a schedule of each gift, specified in
18 paragraph (3) of this subsection, received during the applicable period:

19 (i) by the individual or by another entity at the direction of the
20 individual; and

21 (ii) directly or indirectly, from or on behalf of an entity that is:

22 1. a regulated lobbyist;

23 2. regulated by the State; or

24 3. otherwise an entity doing business with the State.

25 (3) (i) Except as provided in subparagraph (ii) of this paragraph,
26 the schedule shall include each gift with a value of more than \$20 and each of two or
27 more gifts with a cumulative value of \$100 or more received from one entity during the
28 applicable period.

29 (ii) The statement need not include as a gift:

30 1. food or beverages received and consumed by an official
31 of the Legislative Branch in the presence of the donor or sponsoring entity as part of a

1 meal or reception, to which were invited all members of [a legislative unit] **THE**
2 **GENERAL ASSEMBLY**;

3 2. food or beverages received by a member of the
4 General Assembly at the time and geographic location of a meeting of a legislative
5 organization for which the member's presiding officer has approved the member's
6 attendance at State expense; or

7 3. a ticket or free admission extended to a member of the
8 General Assembly by the person sponsoring or conducting the event as a courtesy or
9 ceremony to the office to attend a charitable, cultural, or political event to which were
10 invited all members of a legislative unit.

11 (iii) Notwithstanding the provisions of subparagraph (ii) of this
12 paragraph, the statement shall include the acceptance of each of two or more tickets or
13 free admissions, extended to a member of the General Assembly by the person
14 sponsoring or conducting the event, with a cumulative value of \$100 or more received
15 from one entity during the applicable period.

16 (4) For each gift subject to this subsection, the schedule shall include:

17 (i) the nature and value of the gift; and

18 (ii) the identity of the entity from which, directly or indirectly,
19 the gift was received.

20 (5) This subsection does not authorize any gift not otherwise allowed
21 by law.

22 15-704.

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

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

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

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

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

1 (b) A report required by this section shall include:

2 (1) a complete, current statement of the information required under §
3 15–703(b) of this subtitle;

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

6 (i) total individual regulated lobbyist compensation, excluding
7 expenses reported under this paragraph;

8 (ii) office expenses of the regulated lobbyist;

9 (iii) professional and technical research and assistance;

10 (iv) publications that expressly encourage communication with
11 one or more officials or employees;

12 (v) witnesses, including the name of each and the fees and
13 expenses paid to each;

14 (vi) except as otherwise reported under this paragraph, meals
15 and beverages for officials, employees, or members of the immediate families of
16 officials or employees;

17 (vii) except as provided in § 15–708(d)(2) of this subtitle, food,
18 beverages, and incidental expenses for officials of the Legislative Branch for meals and
19 receptions to which all members of [any legislative unit] **THE GENERAL ASSEMBLY**
20 were invited;

21 (viii) food and beverages for members of the General Assembly at
22 the respective times and geographic locations of meetings of legislative organizations,
23 to which meetings those members' attendance at State expense has been approved by
24 the appropriate presiding officer;

25 (ix) food, lodging, and scheduled entertainment for officials and
26 employees at meetings at which the officials and employees were scheduled speakers
27 or scheduled panel participants;

28 (x) tickets and free admission extended to members of the
29 General Assembly as a courtesy or ceremony to the office to attend charitable,
30 cultural, and political events sponsored or conducted by the reporting entity and to
31 each of which all members of a legislative unit were invited;

32 (xi) other gifts to or for officials, employees, or members of the
33 immediate families of officials or employees; and

34 (xii) other expenses; and

1 (3) as to expenditures reported in paragraph (2)(vii), (viii), (ix), and (x)
2 of this subsection, the date, location, and total expense of the regulated lobbyist for
3 each meal, reception, event, or meeting.

4 15-708.

5 (a) A regulated lobbyist who invites all members of [a legislative unit] **THE**
6 **GENERAL ASSEMBLY** to a meal or reception shall, at least 5 days before the date of
7 the meal or reception:

8 (1) extend a written invitation to all **THE** members [of the legislative
9 unit]; and

10 (2) register the meal or reception with the Department of Legislative
11 Services on a form prescribed by the Ethics Commission.

12 (b) A [legislative unit] **MEALS AND RECEPTIONS** registration report
13 required under subsection (a) of this section shall contain [the following information:

14 (1)] the date and location of the meal or reception[; and

15 (2) the legislative unit invited].

16 (c) (1) Based on information contained in a [legislative unit] **MEALS AND**
17 **RECEPTIONS** registration report filed under subsection (a) of this section, the
18 Department of Legislative Services shall publish once a week a list containing the date
19 and location of each upcoming meal or reception [and the identity of the legislative
20 unit invited].

21 (2) (i) The Department of Legislative Services shall allow public
22 inspection of any [legislative unit] **MEALS AND RECEPTIONS** registration report
23 required under this section during regular business hours.

24 (ii) Within 3 business days of receipt of a [legislative unit]
25 **MEALS AND RECEPTIONS** registration report required under this section, the
26 Department of Legislative Services shall forward the original registration report to the
27 State Ethics Commission.

28 (iii) The Department of Legislative Services shall maintain a
29 photocopy or electronic copy of each registration report required under this section.

30 (d) (1) (i) A regulated lobbyist who is required to register under
31 subsection (a) of this section shall report the total cost of the meal or reception,
32 including the identity of any sponsor who contributes to the cost and the amount of the

1 contribution, to the Ethics Commission within 14 days after the date of the meal or
2 reception.

3 (ii) Notwithstanding the provisions of subparagraph (i) of this
4 paragraph, if any information required under subparagraph (i) is not known within 14
5 days after the date of the meal or reception, the regulated lobbyist shall, as to the
6 information not known, specify the nature and estimate the amount of each item.

7 (2) If all of the information required by paragraph (1)(i) of this
8 subsection is reported accurately and completely, the regulated lobbyist is not required
9 to report the cost of the meal or reception under § 15-704(b)(2)(vii) of this subtitle.

10 (3) The State Ethics Commission shall allow public inspection of any
11 registration report required under this subsection during regular business hours.

12 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 15-102(x)
13 through (mm), respectively, of Article – State Government of the Annotated Code of
14 Maryland be renumbered to be Section(s) 15-102(w) through (ll), respectively.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2009.