

SENATE BILL 717

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SB 536/11 – EHE

2lr1034

By: **Senator Kittleman**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Ethics Laws – Meals – Regulated Lobbyist Reporting Requirements**

3 FOR the purpose of requiring a regulated lobbyist that invites certain members of the
4 General Assembly to a meal during the legislative session to file a certain report
5 with the State Ethics Commission by a certain date each year disclosing the
6 names of certain members of the General Assembly who consumed food and
7 beverages at the meal; providing for the contents of the report; and generally
8 relating to regulated lobbyist reporting requirements.

9 BY repealing and reenacting, without amendments,
10 Article – State Government
11 Section 15–102(a) and (w) and 15–708
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2011 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Government
16 Section 15–704
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2011 Supplement)

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

21 **Article – State Government**

22 15–102.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (w) "Legislative unit" means:

3 (1) the General Assembly;

4 (2) either house of the General Assembly;

5 (3) a standing committee of the General Assembly, provided that the
6 presiding officer of the House of Delegates or Senate shall be deemed an ex officio
7 member of any standing committee of the presiding officer's chamber; or

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

10 15-704.

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

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

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

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

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

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

23 (1) a complete, current statement of the information required under §
24 15-703(b) of this subtitle;

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

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

29 (ii) office expenses of the regulated lobbyist;

- 1 (iii) professional and technical research and assistance;
- 2 (iv) publications that expressly encourage communication with
3 one or more officials or employees;
- 4 (v) witnesses, including the name of each and the fees and
5 expenses paid to each;
- 6 (vi) except as otherwise reported under this paragraph, meals
7 and beverages for officials, employees, or members of the immediate families of
8 officials or employees;
- 9 (vii) except as provided in § 15–708(d)(2) of this subtitle **AND**
10 **SUBSECTION (D) OF THIS SECTION**, food, beverages, and incidental expenses for
11 officials of the Legislative Branch for meals and receptions to which all members of
12 any legislative unit were invited;
- 13 (viii) food and beverages for members of the General Assembly at
14 the respective times and geographic locations of meetings of legislative organizations,
15 to which meetings those members' attendance at State expense has been approved by
16 the appropriate presiding officer;
- 17 (ix) food, lodging, and scheduled entertainment for officials and
18 employees at meetings at which the officials and employees were scheduled speakers
19 or scheduled panel participants;
- 20 (x) tickets and free admission extended to members of the
21 General Assembly as a courtesy or ceremony to the office to attend charitable,
22 cultural, and political events sponsored or conducted by the reporting entity and to
23 each of which all members of a legislative unit were invited;
- 24 (xi) other gifts to or for officials, employees, or members of the
25 immediate families of officials or employees; and
- 26 (xii) other expenses; and
- 27 (3) as to expenditures reported in paragraph (2)(vii), (viii), (ix), and (x)
28 of this subsection, the date, location, and total expense of the regulated lobbyist for
29 each meal, reception, event, or meeting.
- 30 (c) (1) Except as provided in paragraph (2) of this subsection, a report
31 required under this section also shall include the name of each official, employee, or
32 member of the immediate family of an official or employee who has benefited from one
33 or more gifts with a cumulative value of \$75 during the reporting period from the
34 regulated lobbyist, regardless of whether the gift:
- 35 (i) is attributable to more than one entity; or

1 (ii) was given in connection with lobbying activity.

2 (2) The following gifts need not be allocated to individual recipients
3 and reported by name:

4 (i) gifts reported under subsection (b)(2)(vii) and (viii) of this
5 section;

6 (ii) gifts reported under subsection (b)(2)(ix) of this section with
7 a value of \$200 or less; and

8 (iii) gifts reported under subsection (b)(2)(x) of this section,
9 unless the recipient received from the regulated lobbyist during the reporting period
10 two or more such gifts with a cumulative value of \$100 or more.

11 **(D) (1) THIS SUBSECTION APPLIES ONLY TO A LEGISLATIVE UNIT AS**
12 **DEFINED IN § 15-102(W)(3) AND (4) OF THIS TITLE.**

13 **(2) (I) IN ADDITION TO ANY OTHER REPORT REQUIRED UNDER**
14 **THIS SECTION, A REGULATED LOBBYIST THAT INVITES MEMBERS OF A**
15 **LEGISLATIVE UNIT TO A MEAL DURING THE LEGISLATIVE SESSION SHALL FILE,**
16 **ON OR BEFORE JUNE 30 OF EACH YEAR, A REPORT DISCLOSING THE NAME OF**
17 **EACH MEMBER OF THE LEGISLATIVE UNIT WHO CONSUMED FOOD AND**
18 **BEVERAGES AT THE MEAL.**

19 **(II) A REGULATED LOBBYIST MAY NOT INCLUDE IN THE**
20 **REPORT REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THE NAME**
21 **OF A MEMBER OF THE LEGISLATIVE UNIT WHO PAID FOR THE COST OF THE**
22 **FOOD AND BEVERAGES CONSUMED AT THE MEAL TO WHICH THE MEMBER WAS**
23 **INVITED BY THE REGULATED LOBBYIST.**

24 **(3) THE DISCLOSURE REQUIRED BY THIS SUBSECTION SHALL BE**
25 **UNDER OATH OR AFFIRMATION, ON A FORM ISSUED BY THE ETHICS**
26 **COMMISSION, AND SHALL INCLUDE:**

27 **(I) THE NAME AND BUSINESS ADDRESS OF THE REGULATED**
28 **LOBBYIST;**

29 **(II) THE NAME OF EACH MEMBER OF THE LEGISLATIVE UNIT**
30 **WHO CONSUMED FOOD AND BEVERAGES AT THE MEAL; AND**

31 **(III) THE DATE AND VALUE OF THE MEAL, AND THE IDENTITY**
32 **OF ANY PERSON OR ENTITY TO WHICH THE VALUE OF THE FOOD AND**
33 **BEVERAGES CONSUMED AT THE MEAL IS ATTRIBUTABLE.**

1 **[(d)] (E)** (1) This subsection applies only to a regulated lobbyist, other
2 than an individual, that is organized and operated for the primary purpose of
3 attempting to influence legislative action or executive action.

4 (2) In addition to the other reports required under this section, a
5 regulated lobbyist subject to this subsection shall report the name and permanent
6 address of each entity that provided at least 5% of the regulated lobbyist's total
7 receipts during the preceding 12 months.

8 (3) For the purpose of the reporting and registration requirements of
9 this subtitle, receipts of a regulated lobbyist subject to this subsection include funds
10 spent on the regulated lobbyist's behalf, at its direction, or in its name.

11 15-708.

12 (a) A regulated lobbyist who invites all members of a legislative unit to a
13 meal or reception shall, at least 5 days before the date of the meal or reception:

14 (1) extend a written invitation to all members of the legislative unit;
15 and

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

18 (b) A legislative unit registration report required under subsection (a) of this
19 section shall contain the following information:

20 (1) the date and location of the meal or reception; and

21 (2) the legislative unit invited.

22 (c) (1) Based on information contained in a legislative unit registration
23 report filed under subsection (a) of this section, the Department of Legislative Services
24 shall publish once a week a list containing the date and location of each upcoming
25 meal or reception and the identity of the legislative unit invited.

26 (2) (i) The Department of Legislative Services shall allow public
27 inspection of any legislative unit registration report required under this section during
28 regular business hours.

29 (ii) Within 3 business days of receipt of a legislative unit
30 registration report required under this section, the Department of Legislative Services
31 shall forward the original registration report to the State Ethics Commission.

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

1 (d) (1) (i) A regulated lobbyist who is required to register under
2 subsection (a) of this section shall report the total cost of the meal or reception,
3 including the identity of any sponsor who contributes to the cost and the amount of the
4 contribution, to the Ethics Commission within 14 days after the date of the meal or
5 reception.

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

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2012.