

HOUSE BILL 1193

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By: **Delegate Hucker**

Introduced and read first time: February 8, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics – Lobbying Registration – State and Local Government Entities and**
3 **Associations**

4 FOR the purpose of repealing an exemption from regulation as a regulated lobbyist for
5 certain appearances as part of the official duties of an employee of the State or a
6 political subdivision of the State; repealing an exemption from regulation as a
7 regulated lobbyist for certain appearances as part of the official duties of an
8 officer, a director, a member, or an employee of an association engaged
9 exclusively in representing counties or municipal corporations; providing that
10 certain communications by an employee of a State governmental unit with the
11 employee's State governmental unit do not require registration as a regulated
12 lobbyist under certain circumstances; and generally relating to ethics, lobbying
13 registration, and State and local government entities and associations.

14 BY repealing and reenacting, without amendments,
15 Article – State Government
16 Section 15–701(a)
17 Annotated Code of Maryland
18 (2009 Replacement Volume and 2012 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – State Government
21 Section 15–701(b)
22 Annotated Code of Maryland
23 (2009 Replacement Volume and 2012 Supplement)

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

26 **Article – State Government**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 15-701.

2 (a) Unless exempted under subsection (b) of this section, an entity shall
3 register with the Ethics Commission as provided in this subtitle, and shall be a
4 “regulated lobbyist” for the purposes of this title, if, during a reporting period, the
5 entity:

6 (1) for the purpose of influencing any legislative action or, as to the
7 development or adoption of regulations or the development or issuance of an executive
8 order, executive action:

9 (i) 1. communicates with an official or employee of the
10 Legislative Branch or Executive Branch in the presence of that official or employee;
11 and

12 2. exclusive of the personal travel or subsistence
13 expenses of the entity or a representative of the entity, incurs expenses of at least
14 \$500 or earns at least \$2,500 as compensation for all such communication and
15 activities relating to the communication during the reporting period; or

16 (ii) 1. communicates with an official or employee of the
17 Legislative Branch or Executive Branch; and

18 2. earns at least \$5,000 as compensation for all such
19 communication and activities relating to the communication during the reporting
20 period;

21 (2) in connection with or for the purpose of influencing any executive
22 action, spends a cumulative value of at least \$100 for gifts, including meals, beverages,
23 and special events, to one or more officials or employees of the Executive Branch;

24 (3) subject to subsection (b)(4) of this section, is compensated to
25 influence executive action on a procurement contract that exceeds \$100,000;

26 (4) subject to subsection (b)(5) of this section, is compensated by a
27 business entity to influence executive action to secure from the State a business grant
28 or loan with a value of more than \$100,000 for the business entity;

29 (5) spends at least \$2,000, including expenditures for salaries,
30 contractual employees, postage, telecommunications services, electronic services,
31 advertising, printing, and delivery services for the express purpose of soliciting others
32 to communicate with an official to influence legislative action or executive action; or

33 (6) spends at least \$2,500 to provide compensation to one or more
34 entities required to register under this subsection.

1 (b) (1) The following activities are exempt from regulation under this
2 subtitle:

3 (i) appearances as part of the official duties of an elected or
4 appointed official [or employee] of the State[,] **OR** a political subdivision of the State,
5 or **OF AN ELECTED OR APPOINTED OFFICIAL OR EMPLOYEE OF** the United States,
6 to the extent that the appearance is not on behalf of any other entity;

7 (ii) actions of a member of the news media, to the extent the
8 actions are in the ordinary course of gathering and disseminating news or making
9 editorial comment to the general public;

10 (iii) representation of a bona fide religious organization to the
11 extent the representation is for the purpose of protecting the right of its members to
12 practice the doctrine of the organization; **OR**

13 (iv) [appearances as part of the official duties of an officer,
14 director, member, or employee of an association engaged exclusively in representing
15 counties or municipal corporations, to the extent that the appearance is not on behalf
16 of any other entity; or

17 (v)] actions as part of the official duties of a trustee, an
18 administrator, or a faculty member of a nonprofit independent college or university in
19 the State, provided the official duties of the individual do not consist primarily of
20 attempting to influence legislative action or executive action.

21 (2) The following activities are exempt from regulation under this
22 subtitle if the individual engages in no other acts during the reporting period that
23 require registration:

24 (i) professional services in drafting bills or in advising clients
25 on the construction or effect of proposed or pending legislation;

26 (ii) appearances before the entire General Assembly, or any
27 committee or subcommittee of the General Assembly, at the specific request of the
28 body involved;

29 (iii) appearances before a legislative committee at the specific
30 request of a regulated lobbyist, if the witness notifies the committee that the witness
31 is testifying at the request of the regulated lobbyist;

32 (iv) appearances before an executive unit at the specific request
33 of the executive unit involved; or

34 (v) appearances before an executive unit at the specific request
35 of a regulated lobbyist, if the witness notifies the executive unit that the witness is
36 testifying at the request of the regulated lobbyist.

1 (3) An elementary, secondary, or postsecondary school student or
2 student organization that communicates as part of a course or student activity is not
3 subject to the registration requirements based on the expense threshold under
4 subsection (a)(1)(i) of this section.

5 (4) Subsection (a)(3) of this section does not apply to a bona fide
6 salesperson or commercial selling agency employed or maintained by an employer for
7 the purpose of soliciting or securing a procurement contract unless the person engages
8 in acts during the reporting period that require registration under subsection (a)(1) or
9 (2) of this section.

10 (5) If the person engages in no other acts during the reporting period
11 that require registration, subsection (a)(4) of this section does not apply to:

12 (i) a bona fide full-time official or employee of a business entity
13 seeking to secure a business grant or loan; or

14 (ii) a person who seeks to secure a business grant or loan for the
15 purpose of locating, relocating, or expanding a business in or into the State.

16 **(6) IF THE PERSON ENGAGES IN NO OTHER ACTS DURING THE**
17 **REPORTING PERIOD THAT REQUIRE REGISTRATION, SUBSECTION (A)(1) OF THIS**
18 **SECTION DOES NOT APPLY TO AN EMPLOYEE OF THE STATE WHO**
19 **COMMUNICATES WITH THE EMPLOYEE'S GOVERNMENTAL UNIT FOR THE**
20 **PURPOSE OF INFLUENCING EXECUTIVE ACTION BY THE GOVERNMENTAL UNIT.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2013.