

SENATE BILL 129

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4lr0105

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Ethics Commission, State)**

Requested: November 6, 2013

Introduced and read first time: January 8, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Ethics – Officials and Regulated Lobbyists – Late-Filing Penalties**

3 FOR the purpose of altering certain fees that an official or a regulated lobbyist must
4 pay for failing to file in a timely manner a required report or financial disclosure
5 statement form with the State Ethics Commission; and generally relating to
6 public ethics, officials, regulated lobbyists, and penalties.

7 BY repealing and reenacting, with amendments,
8 Article – State Government
9 Section 15–405
10 Annotated Code of Maryland
11 (2009 Replacement Volume and 2013 Supplement)

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

14 **Article – State Government**

15 15–405.

16 (a) After the Ethics Commission considers all of the evidence presented at
17 the hearing, it shall make findings of fact and conclusions of law with respect to each
18 alleged violation.

19 (b) If the Ethics Commission determines that the respondent has not
20 violated this title, the Ethics Commission shall:

21 (1) dismiss the complaint in a signed order; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) promptly send a copy of the order to the complainant and the
2 respondent.

3 (c) If the Ethics Commission determines that the respondent has violated
4 any provision of this title, the Ethics Commission may:

5 (1) issue an order of compliance directing the respondent to cease and
6 desist from the violation;

7 (2) issue a reprimand; or

8 (3) recommend to the appropriate authority other appropriate
9 discipline of the respondent, including censure or removal, if that discipline is
10 authorized by law.

11 (d) If the Ethics Commission determines that a respondent has violated
12 Subtitle 7 of this title, the Ethics Commission may:

13 (1) require a respondent who is a regulated lobbyist to file any
14 additional reports or information that reasonably relates to information required
15 under §§ 15-703 and 15-704 of this title;

16 (2) impose a fine not exceeding \$5,000 for each violation; or

17 (3) subject to subsection (e) of this section, suspend the registration of
18 a regulated lobbyist.

19 (e) (1) If the Ethics Commission determines it necessary to protect the
20 public interest and the integrity of the governmental process, the Ethics Commission
21 may issue an order to:

22 (i) suspend the registration of an individual regulated lobbyist
23 if the Ethics Commission determines that the individual regulated lobbyist:

24 1. has knowingly and willfully violated Subtitle 7 of this
25 title; or

26 2. has been convicted of a criminal offense arising from
27 lobbying activities; or

28 (ii) revoke the registration of an individual regulated lobbyist if
29 the Ethics Commission determines that, based on acts arising from lobbying activities,
30 the individual regulated lobbyist has been convicted of bribery, theft, or other crime
31 involving moral turpitude.

32 (2) If the Commission suspends the registration of an individual
33 regulated lobbyist under paragraph (1) of this subsection, the individual regulated

1 lobbyist may not engage in lobbying for compensation for a period, not to exceed 3
2 years, that the Commission determines as to that individual regulated lobbyist is
3 necessary to satisfy the purposes of this subsection.

4 (3) If the Commission revokes the registration of an individual
5 regulated lobbyist under paragraph (1) of this subsection, the individual regulated
6 lobbyist may not engage in lobbying for compensation.

7 (4) If the Ethics Commission initiates a complaint based on a violation
8 or conviction described in paragraph (1) of this subsection, the Ethics Commission
9 shall initiate the complaint within 2 years of:

10 (i) the Ethics Commission's knowledge of the violation; or

11 (ii) the date the conviction becomes final.

12 (5) The termination or expiration of the registration of an individual
13 regulated lobbyist does not limit the authority of the Ethics Commission to issue an
14 order under this subsection.

15 (f) (1) Subject to paragraph (2) of this subsection, an individual whose
16 registration as an individual regulated lobbyist is revoked or suspended under
17 subsection (e) of this section may apply to the Ethics Commission for reinstatement.

18 (2) The Ethics Commission may reinstate the registration of an
19 individual whose registration as a regulated lobbyist has been revoked or suspended
20 under subsection (e) of this section if the Commission determines that reinstatement
21 of the individual would not be detrimental to the public interest and the integrity of
22 the governmental process, based on:

23 (i) the nature and circumstances of the original misconduct or
24 violation leading to revocation or suspension;

25 (ii) the individual's subsequent conduct and reformation; and

26 (iii) the present ability of the individual to comply with the
27 provisions of the ethics law.

28 (g) (1) If the respondent is a regulated lobbyist, for each report required
29 under Subtitle 7 of this title that is filed late the respondent shall pay a fee of \$10 for
30 each late day, not to exceed a total of [~~\$250~~] **\$1,000**.

31 (2) If the respondent is an official, for each financial disclosure
32 statement found to have been filed late, the respondent shall pay a fee of [~~\$2~~] **\$5** for
33 each late day, not to exceed a total of [~~\$250~~] **\$500**.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2014.