

HOUSE BILL 617

G2

9lr1996

By: **Delegate Miller**

Introduced and read first time: February 6, 2019

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Ethics – Meals and Receptions – Governmental Unit That Employs an**
3 **Individual Regulated Lobbyist**

4 FOR the purpose of specifying an exception to the definition of the term “entity” to include
5 a governmental unit that employs an individual regulated lobbyist for the purposes
6 of allowing certain officials and employees to accept certain gifts under certain
7 circumstances; and generally relating to public ethics.

8 BY repealing and reenacting, with amendments,
9 Article – General Provisions
10 Section 5–505(b)
11 Annotated Code of Maryland
12 (2014 Volume and 2018 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – General Provisions
15 Section 5–505(c)
16 Annotated Code of Maryland
17 (2014 Volume and 2018 Supplement)

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

20 **Article – General Provisions**

21 5–505.

22 (b) (1) **(I)** [In] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
23 **PARAGRAPH, IN** this subsection, “entity” does not include a governmental unit.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(II) IN THIS SUBSECTION, “ENTITY” INCLUDES A**
2 **GOVERNMENTAL UNIT THAT EMPLOYS AN INDIVIDUAL REGULATED LOBBYIST.**

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

6 (i) does or seeks to do any business of any kind, regardless of
7 amount, with the official’s or employee’s governmental unit;

8 (ii) engages in an activity that is regulated or controlled by the
9 official’s or employee’s governmental unit;

10 (iii) has a financial interest that may be affected substantially and
11 materially, in a manner distinguishable from the public generally, by the performance or
12 nonperformance of the official’s or employee’s official duties; or

13 (iv) is a regulated lobbyist with respect to matters within the
14 jurisdiction of the official or employee.

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

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

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

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

22 2. the official or employee believes or has reason to believe
23 that the gift is designed to impair the impartiality and independent judgment of the official
24 or employee.

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

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

30 2. for officials of the Legislative Branch, food or beverages
31 received and consumed by the official in the presence of the donor or sponsoring entity as
32 part of a meal or reception to which all members of a legislative unit were invited;

33 3. for a member of the General Assembly, food or beverages

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

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

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

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

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

16 (v) trivial gifts of informational value;

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

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

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

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

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

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

34 (x) a gift from:

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- 1
2 or marriage; or
- 3
4 the official or employee; or
- 5 (xi) to the extent provided in subsection (d) of this section, honoraria.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2019.