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HB 292
PUBLIC ETHICS – GIFTS AND LOBBYIST REGISTRATION (PUBLIC INTEGRITY ACT OF 2021)
Environmental and Transportation Committee
January 21, 2021 at 1:30 pm

Dear Chair Barve and Members of the Environmental and Transportation Committee,

Please accept the following as my written testimony with respect to the lobbying restrictions proposed in HB 292:

Access to legislatures outside of the vote been an integral form of representation for marginalized individuals and communities in the United States since the Founding. Historically, this process was facilitated by a formal petition process that allowed access to the legislature on equal terms, politically powerful and powerless alike. The petition process looked more like formal litigation in a court than the unregulated, grey market economy of access that lobbying allows for today. The right to petition remains codified in both the Constitution of the United States and the Maryland Constitution. In order to preserve this integral form of representation, as well as the right to petition, lobbying reform is direly necessary in state legislatures, as well as the Congress.

House Bill 292, introduced by Delegate Stewart, offers a small step toward reform of the lobbying process in the Maryland legislature by limiting to fifty dollars the amount a lobbyist may spend on meals for members of the General Assembly. Under the current version of § 5-505(c), lobbyists may pay for meals for officials of the Legislative Branch when they pay for meals for all members of the “legislative unit.” This ethics restriction, like many regulating lobbying at the federal level, ironically makes access to the legislature all the more unequal by raising the cost of access to representatives by requiring meals for multiple committee members. The cost of these meals could be exorbitant and could create a race to the bottom where well-heeled interests compete with each other to spend more. Representatives only have so much time to spend with the public and so the fancier events could draw more of their attention.

H.B. 292 imposes a slender limit to the amount a lobbyist may spend per official, fifty dollars, thereby lowering the cost to fund meals for an entire committee and lowering the cost to socialize with representatives. This limit is far from radical reform and much more could be done. It works a small step toward returning to a more egalitarian form of access to the Maryland legislature—one that better reflects our democratic tradition and the Petition Clause values protected by the Maryland and United States constitutions.