

# HOUSE BILL 46

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1lr1246

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By: **Delegate O'Donnell**

Introduced and read first time: January 18, 2011

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Ethics Law – Soliciting the Employment of Lobbyists**

3 FOR the purpose of prohibiting a State official or public official from directly or  
4 indirectly ~~soliciting~~ initiating a solicitation for a person to retain the services of  
5 a particular regulated lobbyist or lobbying firm; and generally relating to the  
6 regulation of conduct by State and public officials under the Maryland Public  
7 Ethics Law.

8 BY repealing and reenacting, without amendments,  
9 Article – State Government  
10 Section 15–102(bb), (ff), and (ll)  
11 Annotated Code of Maryland  
12 (2009 Replacement Volume and 2010 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – State Government  
15 Section 15–506  
16 Annotated Code of Maryland  
17 (2009 Replacement Volume and 2010 Supplement)

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

20 **Article – State Government**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 15-102.

2 (bb) "Official" means either a State official or a public official.

3 (ff) "Public official" means an individual determined to be a public official in  
4 or pursuant to § 15-103 of this subtitle.

5 (ll) "State official" means:

6 (1) a constitutional officer or officer-elect in an executive unit;

7 (2) a member or member-elect of the General Assembly;

8 (3) a judge or judge-elect of a court under Article IV, § 1 of the  
9 Constitution;

10 (4) a judicial appointee as defined in Maryland Rule 16-814;

11 (5) a State's Attorney;

12 (6) a clerk of the circuit court;

13 (7) a register of wills; or

14 (8) a sheriff.

15 15-506.

16 ~~(a) (1) An official or employee may not intentionally use the prestige of~~  
17 ~~office or public position for that official's or employee's private gain or that of another.~~

18 ~~[(b) (2) The performance of usual and customary constituent services,~~  
19 ~~without additional compensation, is not prohibited under [subsection (a) of this~~  
20 ~~section] **PARAGRAPH (1) OF THIS SUBSECTION.**~~

21 ~~**(B) AN OFFICIAL MAY NOT DIRECTLY OR INDIRECTLY SOLICIT A**~~  
22 ~~**PERSON TO RETAIN THE SERVICES OF A PARTICULAR REGULATED LOBBYIST OR**~~  
23 ~~**LOBBYING FIRM.**~~

24 (a) (1) An official or employee may not intentionally use the prestige of  
25 office or public position for that official's or employee's private gain or that of another.

26 (2) **AN OFFICIAL MAY NOT DIRECTLY OR INDIRECTLY INITIATE A**  
27 **SOLICITATION FOR A PERSON TO RETAIN THE SERVICES OF A PARTICULAR**  
28 **REGULATED LOBBYIST OR LOBBYING FIRM.**

1           (b) The performance of usual and customary constituent services, without  
2 additional compensation, is not prohibited under subsection (a) of this section.

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.