

SENATE BILL 869

G2, P5

3lr2823

By: **Senator Kittleman**

Introduced and read first time: February 7, 2013

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Ethics – Members of the General Assembly – Meals, Receptions, and**
3 **Beverages**

4 FOR the purpose of prohibiting a member of the General Assembly from accepting a
5 gift of a certain meal, reception, or beverage that exceeds a certain cost; and
6 generally relating to the Public Ethics Law and members of the General
7 Assembly.

8 BY repealing and reenacting, without amendments,
9 Article – State Government
10 Section 15–505(b)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2012 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – State Government
15 Section 15–505(c)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2012 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**

21 15–505.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) does or seeks to do any business of any kind, regardless of amount,
2 with the official's or employee's governmental unit;

3 (2) engages in an activity that is regulated or controlled by the
4 official's or employee's governmental unit;

5 (3) has a financial interest that may be affected substantially and
6 materially, in a manner distinguishable from the public generally, by the performance
7 or nonperformance of the official's or employee's official duties; or

8 (4) is a regulated lobbyist with respect to matters within the
9 jurisdiction of the official or employee.

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

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

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

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

17 2. the official or employee believes or has reason to
18 believe that the gift is designed to impair the impartiality and independent judgment
19 of the official or employee.

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

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

25 2. for officials of the Legislative Branch, food or
26 beverages received and consumed by the official in the presence of the donor or
27 sponsoring entity as part of a meal or reception **AND THAT DO NOT EXCEED \$20 IN**
28 **COST**, to which were invited all members of a legislative unit;

29 3. for a member of the General Assembly, food or
30 beverages **THAT DO NOT EXCEED \$20 IN COST THAT ARE** received from a donor or
31 sponsoring entity, other than an individual regulated lobbyist described in §
32 15-701(a)(1) of this title, during a period when the General Assembly is not in session,
33 at a location that is within a county that contains the member's district, provided that
34 the donor or sponsoring entity is located within a county that contains the member's
35 district; or

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

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

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

8 (iv) as to a State official of the Executive or Legislative Branch,
9 unsolicited gifts that are not meals or alcoholic beverages and that do not exceed \$20
10 in cost, from a regulated lobbyist;

11 (v) trivial gifts of informational value;

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

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

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

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

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

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

30 (x) a gift from:

31 1. an individual related to the official or employee by
32 blood or marriage; or

