

HOUSE BILL 471

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HB 46/11 – ENV

2lr2307

By: **Delegates O'Donnell, Beidle, Bobo, Cane, Carr, Frush, Gilchrist, Glenn, Healey, Hogan, Holmes, Jacobs, Lafferty, Malone, McMillan, Niemann, Norman, Otto, S. Robinson, Stein, Vitale, Weir, and Wilson**

Introduced and read first time: February 2, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of prohibiting a State official or public official from directly or
4 indirectly initiating a solicitation for a person to retain the services of a
5 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 2011 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 2011 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 15–102.

22 (bb) “Official” means either a State official or a public official.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (ll) "State official" means:

4 (1) a constitutional officer or officer–elect in an executive unit;

5 (2) a member or member–elect of the General Assembly;

6 (3) a judge or judge–elect of a court under Article IV, § 1 of the
7 Constitution;

8 (4) a judicial appointee as defined in Maryland Rule 16–814;

9 (5) a State's Attorney;

10 (6) a clerk of the circuit court;

11 (7) a register of wills; or

12 (8) a sheriff.

13 15–506.

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2012.