

CITY OF BALTIMORE

STEPHANIE RAWLINGS-BLAKE, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

August 15, 2013

Honorable President and Members
of the City Council of Baltimore
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Attn: Karen Randle
Executive Secretary

Re: City Council Bill 13-0249 – Ethics – Lobbying Registration Fees

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 13-0249 for form and legal sufficiency. The bill establishes a filing fee of \$100 for lobbying registration forms and clarifies related provisions. It does so by adding new language to Section 8-14 of the Ethics Code, renumbering former Section 8-14 as 8-15, and repealing and re-ordaining, with amendments, Section 3-23 of the Ethics Code.

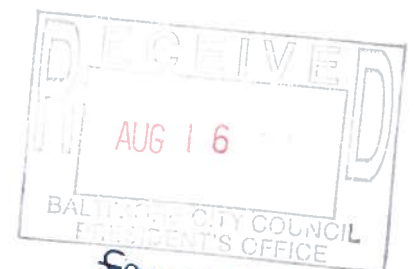
Pursuant to its police powers, the City may charge regulatory fees provided that the amount charged is reasonable and no more than necessary to carry out the provisions of the regulation. *Ocean City v. Purnell-Jarvis, Ltd.*, 86 Md. App. 390, 404-05 (1991). See also *ACLU of Ill. v. White*, 692 F. Supp. 2d 986, 992 (N.D. Ill. 2010), citing *Murdock v. Pennsylvania*, 319 U.S 105, 116 (1943) (“state may only charge a fee as a precondition for lobbying where that fee is ‘calculated to defray the expense’ of lobbying regulation”). Otherwise the “fee” could be considered a tax. Further, Section 15-806 of the State Government Article of the Maryland Annotated Code requires that local ethics laws be substantially similar to the State Ethics Code. Md. Code Ann., State Gov’t Art., § 15-806 (2013). The State Ethics Code imposes a \$100 registration fee. § 15-703(e)(1).

Thus, as long as the fee imposed by Council Bill 13-0249 bears a reasonable relationship to the expense of the regulation, the Law Department will approve the bill for form and legal sufficiency.

Sincerely,

Jennifer Landis
Special Assistant Solicitor

cc: George Nilson, City Solicitor
Angela C. Gibson, Mayor’s Legislative Liaison
Elena DiPietro, Chief Solicitor
Hilary Ruley, Assistant Solicitor
Victor K. Tervalá, Assistant Solicitor



Favorable