



Legislation Text

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EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL

Introduced by: President Young

A BILL ENTITLED

AN ORDINANCE concerning
Promoting Honesty in Lobbying

FOR the purpose of expanding certain criteria for when a person is required to register as a legislative or executive lobbyist; increasing the fee for registration; clarifying and expanding certain information required to be included in a lobbyist's activity report; prohibiting lobbyists from undertaking certain misleading and other activities; providing for a special effective date; and generally relating to the regulation of lobbying and lobbyists.

BY repealing and reordaining, with amendments

Article 8 - Ethics
Section(s) 3-23, 8-7, 8-8, 8-13(b), 8-19, 8-21(a)(1), and 8-42
Baltimore City Code
(Edition 2000)

BY adding

Article 8 - Ethics
Section(s) 8-43 and 8-44
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 8. Ethics

Subtitle 3. Administration

§ 3-23. Filing fees.

(a) In general.

(1) Except as [specified in paragraph (2) of this subsection] OTHERWISE PROVIDED IN THIS ARTICLE, the Ethics Board may SET AND charge reasonable filing fees for statements, reports, and other documents filed under this article.

(2) The Board may not charge a fee for a disclosure statement timely filed under Subtitle 7 {"Financial Disclosure"} of this article.

(b) Late fees.

The fees charged may include late fees for any document that is filed after the applicable deadline.

Subtitle 8. Lobbying

§ 8-7. Legislative lobbying.

A person must register if, during a reporting period, the person:

- (1) for the purpose of influencing any legislative action, communicates with a public servant; and
- (2) in furtherance of or in connection with all such communications for that or any other legislative action, and all activities relating to those communications:
 - (i) expends \$100 or more for gifts, including meals, beverages, or special events, to 1 or more public servants;
 - (II) IS OR EXPECTS TO BE COMPENSATED FOR HIS OR HER SERVICES; OR
 - (III) SPENDS 20% OF MORE OF HIS OR HER TIME OVER A 6-MONTH PERIOD ON LOBBYING ACTIVITIES FOR AN EMPLOYER, CLIENT, OR OTHER PERSON.

[(ii) incurs any expenses of \$500 or more; or]

[(iii) earns \$2,500 or more in compensation.]

§ 8-8. Executive lobbying.

(a) In general.

A person must register if, during a reporting period, the person:

- (1) for the purpose of influencing any executive action, communicates with a public servant; and
 - (2) in furtherance of or in connection with all such communications for that or any other executive action, and all activities relating to those communications[,]:
 - (I) expends \$100 or more for gifts, including meals, beverages, or special events, to 1 or more public servants;
- OR

(II) SPENDS 20% OF MORE OF HIS OR HER TIME OVER A 6-MONTH PERIOD ON LOBBYING ACTIVITIES FOR AN EMPLOYER, CLIENT, OR OTHER PERSON.

(b) Regulations; Executive orders.

A person must register if, during a reporting period, the person:

(1) for the purpose of influencing the development, adoption, issuance, or amendment of [regulations] A REGULATION or [of] an executive order, communicates with a public servant; and

(2) in furtherance of or in connection with all such communications for that or any other executive action, and all activities relating to those communications:

(i) expends \$100 or more for gifts, including meals, beverages, or special events, to 1 or more public servants;

(II) IS OR EXPECTS TO BE COMPENSATED FOR HIS OR HER SERVICES; OR

(III) SPENDS 20% OF MORE OF HIS OR HER TIME OVER A 6-MONTH PERIOD ON LOBBYING ACTIVITIES FOR AN EMPLOYER, CLIENT, OR OTHER PERSON.

[(ii) incurs any expenses of \$500 or more; or]

[(iii) earns \$2,500 or more in compensation.]

(c) Procurement.

(1) A person must register if, during a reporting period, the person:

(i) for the purpose of influencing executive action on a procurement contract that exceeds \$50,000, communicates with a public servant; and

(ii) in furtherance of or in connection with all such communications for that or any other executive action, and all activities relating to those communications:

(A) expends \$100 or more for gifts, including meals, beverages, or special events, to 1 or more public servants; or

(B) except as provided in paragraph (2) of this subsection, is OR EXPECTS TO BE compensated for his or her services.

(2) Paragraph (1)(ii)(B) of this subsection does not apply to a bona fide salesperson or commercial selling agency employed or maintained by an employer for the purpose of soliciting or securing a procurement contract, as long as the person engages in no other acts during the reporting period that require registration.

(d) Business grants or loans.

(1) A person must register if, during a reporting period, the person:

(i) for the purpose of influencing executive action to secure for a business entity a grant or loan that exceeds \$50,000, communicates with a public servant; and

(ii) in furtherance of or in connection with all such communications for that or any other executive action, and all activities relating to those communications:

(A) expends \$100 or more for gifts, including meals, beverages, or special events, to 1 or more public servants; or

(B) except as provided in paragraph (2) of this subsection, is OR EXPECTS TO BE compensated for his or her services.

(2) Paragraph (1)(ii)(B) of this subsection does not apply to either of the following, as long as the person engages in no other acts during the reporting period that require registration:

(i) a bona fide full-time official or employee of a business entity that is seeking to secure a grant or loan; or

(ii) a person who is seeking a grant or loan for the purpose of locating, relocating, or expanding a business in or into the City.

§ 8-13. Registration scope, form, FEE, and contents.

(b) Form; FILING FEE.

(1) The registration must be filed on the form the Ethics Board provides.

(2) EACH REGISTRATION FORM MUST BE ACCOMPANIED BY A FILING FEE OF \$100.

§ 8-19. Contents - Expenses.

(a) [Staff, research, and assistance] OFFICE EXPENSES.

Except as reported under § 8-18 {“Contents - Compensation”} of this subtitle, each report must include the total amount expended in connection with the lobbying activities for[:

(1)] office expenses of the lobbyist[; and

(2) professional and technical research and assistance].

(B) PROFESSIONAL OR TECHNICAL ASSISTANCE.

(1) IN THIS SUBSECTION, “PROFESSIONAL OR TECHNICAL RESEARCH OR ASSISTANCE” INCLUDES ANY ONE OR MORE OF THE FOLLOWING ACTIVITIES:

(I) DRAFTING AN ORDINANCE, RESOLUTION, REGULATION, EXECUTIVE ORDER, AMENDMENT, POSITION PAPER, TESTIMONY, OR SIMILAR DOCUMENT;

(II) PROVIDING ADVICE OR RECOMMENDING STRATEGY;

(III) CONDUCTING RESEARCH, INVESTIGATIONS, OR INFORMATION GATHERING; OR

(IV) ATTENDING OR MONITORING MEETINGS, HEARINGS, OR OTHER EVENTS.

(2) EACH REPORT MUST INCLUDE:

(I) THE TOTAL AMOUNT EXPENDED IN CONNECTION WITH LOBBYING ACTIVITIES FOR PROFESSIONAL OR TECHNICAL RESEARCH OR ASSISTANCE;

(II) THE NAME AND ADDRESS OF EACH PROVIDER OF THAT RESEARCH OR ASSISTANCE; AND

(III) THE COMPENSATION, FEES, AND EXPENSES PAID TO EACH PROVIDER.

(c) Witnesses.

Each report must include:

(1) the total amount expended in connection with lobbying activities for witnesses;

(2) the name AND ADDRESS of each witness; and

(3) the COMPENSATION, fees, and expenses paid to each WITNESS.

(D) [(b)] Publications.

Each report must include the total amount expended in connection with the lobbying activities for ALL PRINT, AUDIO, VISUAL, AND ELECTRONIC publications that expressly encourage others to communicate with 1 or more public servants.

(E) [(d)] Food, beverages, gifts, etc.

(1) Each report must include the total amount expended for each of the following, whether or not expended in connection with lobbying activities:

(i) meals and beverages for a public servant or the spouse, parent, child, or sibling of a public servant;

(ii) special events, including parties, dinners, athletic events, entertainment, and other functions, to which a public servant or the spouse, parent, child, or sibling of a public servant is invited;

(iii) food, lodging, or scheduled entertainment of a public servant or the spouse, parent, child, or sibling of a public servant [while attending a meeting];

(iv) tickets or free admission for a public servant or the spouse, parent, child, or sibling of a public servant to attend a professional or intercollegiate sporting event or a charitable, cultural, or political event; and

(v) other gifts to or for a public servant or the spouse, parent, child, or sibling of a public servant.

(2) The lobbyist must report the name of any public servant or the spouse, parent, child, or sibling of a public servant who [benefitted] BENEFITED from[:

(i)] expenses reported under paragraph [(1)(i)] (1) of this subsection[; or

(ii) expenses reported under paragraph (1)(iii) of this subsection, if more than \$200 was expended for the benefit of the public servant, spouse, parent, child, or sibling].

§ 8-21. Contents - Business transactions.

(a) Scope of section.

(1) This section applies to an individual who:

(i) is a lobbyist under § 8-7 {"Legislative lobbying"} or § 8-8 {"Executive lobbying"} of this subtitle; and

(ii) engages in a business transaction with:

(A) any of the following officials:

1. the Mayor;

2. the City Comptroller;

3. the President of the City Council;

4. a member of the City Council;

5. the head of any department; [or]

6. the head of any bureau or division within a department; OR

7. ANY OTHER INDIVIDUAL WHO ACTS AS A PRINCIPAL ADVISOR TO ONE OF THOSE LISTED; or

(B) any of the following related persons:

1. the spouse, parent, child, or sibling of an official listed in subitem (A);

2. a business entity in which an official listed in subitem (A) is a proprietor or partner; or

3. a business entity in which an official listed in subitem (A) has an ownership interest of 10% or more.

§ 8-42. Veracity and candor - IN GENERAL.

A lobbyist may not:

(1) while engaging in lobbying activities, knowingly make to a public servant a statement of material fact that relates to the lobbying activity and that the lobbyist knows to be false; or

(2) while engaging in lobbying activities on behalf of a person, knowingly conceal from a public servant the identity of that person.

§ 8-43. VERACITY AND CANDOR - FICTITIOUS IMPRESSION, ETC.

A LOBBYIST MAY NOT:

(1) CREATE OR ATTEMPT TO CREATE A FICTITIOUS IMPRESSION OF THE PUBLIC'S FAVORABLE OR DISFAVORABLE POSITION ON ANY PROPOSED ORDINANCE, RESOLUTION, OR OTHER ACTION PENDING BEFORE THE CITY COUNCIL, THE MAYOR, THE BOARD OF ESTIMATES, OR OTHER CITY AGENCY; OR

(2) CAUSE ANY COMMUNICATION TO BE SENT TO A COUNCILMEMBER, TO THE MAYOR, OR TO ANY OTHER PUBLIC SERVANT CHARGED BY LAW WITH DECIDING A PENDING OR PROPOSED MATTER:

(I) IN THE NAME OF ANY FICTITIOUS PERSON; OR

(II) IN THE NAME OF ANY REAL PERSON WITHOUT THE CONSENT OF THAT PERSON.

§ 8-44. VERACITY AND CANDOR - "IT'S IN THE BAG".

A LOBBYIST MAY NOT REPRESENT, EITHER DIRECTLY OR INDIRECTLY, THROUGH WORD OF MOUTH OR OTHERWISE, THAT HE OR SHE CAN CONTROL OR OBTAIN:

(1) THE VOTE OR OTHER ACTION OF A COUNCILMEMBER, THE MAYOR, OR ANY OTHER PUBLIC SERVANT CHARGED BY LAW WITH DECIDING A PENDING OR PROPOSED MATTER; OR

(2) THE APPROVAL OR DISAPPROVAL OF ANY ORDINANCE, RESOLUTION, OR OTHER ACTION.

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the later of (i) the date this Ordinance is enacted, and (ii) the date on which this Ordinance is approved by the State Ethics Commission.

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art8/Lobbying/aa:me

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