

Bill No. 34-04
Concerning: Ethics—Lobbying Disclosure
—Amendments
Revised: September 24, 2004 Draft No. 1
Introduced: October 5, 2004
Enacted: November 16, 2004
Executive: November 29, 2004
Effective: February 28, 2005
Sunset Date: None
Ch. 28, Laws of Mont. Co. 2004

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Praisner and Andrews

AN ACT to:

- (1) eliminate the exception for lobbyist registration related to Cable Communications; and
- (2) generally amend County law regarding Ethics.

By Amending

Montgomery County Code
Chapter 19A, Ethics
Article V. Lobbying Disclosure
Section 19A-21.

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 19A-21 is amended as follows:**

2 **Sec. 19A-21. Who must register as a lobbyist; exceptions.**

3 (a) Any individual or organization must register as a lobbyist under this
4 Article if, during a year, that individual or organization:

5 (1) communicates with a public employee to influence legislative
6 action by a County agency, and for that purpose either:

7 (A) spends more than \$500, or

8 (B) receives compensation, including a pro-rated part of a
9 salary or fee for services, totaling more than \$500; or

10 (2) communicates with a public employee to influence executive or
11 administrative action by a County agency, and for that purpose
12 spends a total of more than \$500 for:

13 (A) meals and beverages;

14 (B) transportation;

15 (C) lodging;

16 (D) provision of any service;

17 (E) one or more special events; and

18 (F) one or more gifts.

19 (b) In this Article, legislative action does not include any matter covered by
20 subsection 19A- 15(b).

21 (c) This Article does not apply to:

22 (1) drafting bills or advising clients about proposed or pending
23 legislation without any other attempt to influence the legislative
24 process;

25 (2) communicating with a County agency when requested by the
26 agency, without engaging in any other activity to influence

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- legislative, administrative, or executive action on the subject of the communication;
- (3) communicating with a County agency as an official act of an official or employee of the state, a political subdivision of the state, or the United States, and not on behalf of any other person or business;
- (4) actions of a publisher or working journalist in the ordinary course of disseminating news or making editorial comment to the general public, without engaging in other lobbying that would directly and specifically benefit the economic interests of a specific person or business;
- (5) appearing before a County agency at the request of a lobbyist if the witness:
 - (A) takes no other action to influence legislative, administrative, or executive action; and
 - (B) identifies himself or herself as testifying at the request of the lobbyist;
- (6) communicating on behalf of a religious organization for the sole purpose of protecting the right of its members to practice the doctrine of the organization;
- (7) communicating as an official duty of an officer, director, member, or employee of an organization engaged exclusively in lobbying for counties or municipalities, and not on behalf of any other person or business; and
- [(8) acts regulated under Chapter 8, Cable Communications; and]
- [(9)](8) an action of any person representing an organization that is exempt from taxation under Section 501(c)(3) of the Internal

- 54 Revenue Code if:
- 55 (A) the action promotes the exempt purposes of the
- 56 organization; and
- 57 (B) the organization gave gifts totaling less than \$500 to public
- 58 employees in a year; and
- 59 (C) the representative is paid or spends less than \$1,000 in a
- 60 year to influence executive, administrative, and legislative
- 61 action.

62 (d) Except for the authorization required by Section 19A-22, an individual
 63 or organization is exempt from the reporting requirements of this Article
 64 if the individual or organization:

- 65 (1) compensates one or more lobbyists;
- 66 (2) reasonably believes that each lobbyist will timely register and
- 67 report all expenditures required to be reported; and
- 68 (3) engages in no other lobbying.

69 If a lobbyist fails to report timely any information required under this Article,
 70 the lobbyist's employer is immediately subject to the reporting requirements of
 71 this Article.

72
 73 *Approved:*

74  11/18/04

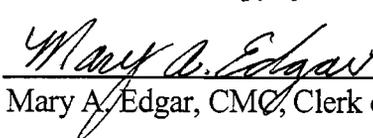
 Steven A. Silverman, President, County Council Date

75 *Approved:*

76  11/29/04

 Douglas M. Duncan, County Executive Date

77 *This is a correct copy of Council action.*

78  November 30, 2004

 Mary A. Edgar, CMC, Clerk of the Council Date