



Senate Bill 4

Public Ethics - Officials and Employees - Acceptance of Gifts and Prohibited Retaliation

MACo Position: **LETTER of
INFORMATION**

To: Environment and Transportation
Committee

Date: March 25, 2021

From: Michael Sanderson

The Maryland Association of Counties (MACo) **submits these comments on SB 4**. The bill as introduced dealt with enforcement of laws governing public officials' receiving gifts. Bill amendments, first proposed and immediately adopted during the Senate committee's voting session, expanded the bill's provisions to directly affect organizations representing local governments, specifically including MACo.

MACo did not take any position on SB4, nor its House crossfile, HB 363, as introduced and passed by this Committee and the House. Due to the peculiar timing of the Senate bill's amendment, MACo's Legislative Committee had not yet taken a formal position on this late-amended bill at the time of the committee's testimony deadline.

The amendments, which seemingly restrict activities of MACo and other organizations representing local governments in ways that do not apply to other government service organizations, were neither proposed in the House, discussed by witnesses at either chamber's bill hearing, nor shared with the affected organizations substantially in advance of the Senate vote. No stakeholder input on the amendments was welcomed at the Senate committee voting session.

It is not clear whether the specific, targeted application of SB 4's newest provisions was fully considered in the context of universal application among governmental and government service entities. If enacted in its current form, it does appear to create new disparities in ethics law applicability – where a variety of State government entities, quasi-government entities, and local government employees are not subjected to the limitations of Section 5-505 of the General Provisions article. The newly crafted State laws, under the amended version of this bill, would clearly treat a county hiring its own staff differently from one relying on the efforts of Association staff.

Other anomalies may similarly arise with Tri-county Councils, regional development organizations, cooperative purchasing entities, or other entities. Again, due to the fast-tracked timeline of this bill, MACo has not yet researched these matters, nor does the revised Fiscal and Policy Note fully address those questions.

