



Senate Bill 91

State Ethics Commission – Local Governments and School Boards – Compliance Enforcement

MACo Position: **SUPPORT**

To: Environmental Matters Committee

Date: March 20, 2014

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** Senate Bill 91 as amended. The bill creates an additional and reasonable mechanism for the State Ethics Commission to voice concerns about a county's compliance with State ethics requirements.

As amended, the bill would authorize the Commission, upon a determination that a local government has not made good-faith efforts towards complying with State ethics law requirements, to issue a public notice concerning the failure of the compliance and include a listing of the specific areas of noncompliance. Under existing law, the Commission's only option is to petition a circuit court for appropriate relief to compel compliance. The bill also creates analogous provisions for local school boards, which were not previously required to have ethics laws mirroring the State law.

MACo was concerned that the bill as introduced would have unintentionally shifted the applicable standard of review and burden of proof in circuit court and would have reduced the currently existing ability of a county to argue its position should the Commission seek enforcement through the court. However, the amended version of SB 91 addresses this concern.

MACo enjoys a strong relationship with the Commission and both MACo and the counties have been very appreciative of the Commission's collaborative approach to the implementation of new State ethics requirements by county governments. Likewise, MACo supports the Commission's underlying and well-intentioned purpose of creating an "intermediate step" to enforce local government and school board compliance with applicable ethics requirements, rather than having to rely on the onerous and costly proposal of petitioning a circuit court for relief. Accordingly, MACo recommends the Committee issue a **FAVORABLE** report for SB 91.