



Senate Bill 395

Ethics – Local Government – Conflict of Interest and Financial Disclosure

MACo Position: **OPPOSE**

To: Education, Health and Environmental
Affairs Committee

Date: February 25, 2016

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** SB 395. The bill would greatly expand the authority of the State Ethics Commission to limit local modifications to conflict of interest and financial disclosure provisions.

Currently, local governments and school boards have authority to amend conflict of interest provisions as long as the amendments are *similar* to the provisions found in state statute and are necessary to make the provisions relevant to the local jurisdiction. They may also amend financial disclosure requirements so long as the amendments are *equivalent or exceed* the statutory provisions and are necessary to make the provisions relevant to the local jurisdiction.

SB 395 would add a new requirement that would also subject the validity of local modifications to current or unknown future regulations adopted by the Commission. Under the bill, local modifications to conflict of interest or financial disclosure provisions of state law would have to comply with regulations adopted by the State Ethics Commission and must be consistent with the intent of the Maryland Public Ethics law.

However, by also adding regulations adopted by the Commission as a required hurdle, the bill grants the Commission significant authority to limit or influence how a local government may modify the amendments. By enacting regulations, the Commission could seek to block a local modification that it does not particularly like but would be permissible under existing statute. Reasonable local interpretations could be overridden by the Commission's interpretation.

MACo understands the goals of the Commission in introducing this legislation and is willing to work with the Commission to see if its concerns can be addressed. But however well-meaning this legislation may be, it would give the Commission far more control and intrusion into conflict of interest and financial disclosure decisions that the General Assembly specifically left in the purview of local governments. Accordingly, MACo urges the Committee to give SB 395 an **UNFAVORABLE** report.