



House Bill 59

Ethics – Local Governments – Registration of Lobbyists

MACo Position: **OPPOSE**

Date: January 20, 2022

To: Environment and Transportation Committee

From: D'Paul Nibber

The Maryland Association of Counties (MACo) **OPPOSES** HB 59. This bill would eliminate the current flexibility governing local ethics laws, and mandate local governments to mirror state law and require the registration of certain entities as lobbyists. These changes to current law would restrict local autonomy and could lead to unintended and undesirable outcomes.

Each county is required by current state statute to establish its own ethics laws, including those governing lobbying activity, reflecting the state's model provisions. Within that mandate, counties have been afforded the latitude to create their own laws with the understanding that one size does not fit all – this is a well-founded approach and properly places such decisions in the hands of the officials closest to the local community.

In contrast, HB 59 will create the unnecessary administrative burden for counties to either shoehorn potentially incompatible or redundant language into existing code or identify portions of existing code that meet the requirements of the bill.

Moreover, HB 59 could require counties to adopt potentially overbroad registration requirements leading to unintended situations. For example, neighborhood organizations paying for newsletters advocating for improved community conditions could be classified as lobbyists based on HB 59's requirements. Unwanted outcomes, given the breadth of local governments' engagement in public affairs, are what has kept this important local flexibility present in these laws.

MACo received notice from the bill sponsor of a potential amendment seeking to mitigate against unwanted outcomes and reintroduce some local autonomy. The amendment would eliminate language requiring counties to register entities engaged in specific activities. Instead, counties would retain at least some latitude in defining lobbying activities so long as these definitions are comparable to § 5-702 of the General Provisions Article. Counties are actively reviewing the revised language.

However, HB 59, as drafted, needlessly imposes an administrative burden on counties that may be redundant with existing state ethics obligations and result in unintended consequences. For this reason, MACo **OPPOSES** HB 59 and urges an **UNFAVORABLE** report.