

HB59_Carr_Fav(Senate).pdf

Uploaded by: Al Carr

Position: FAV

AL CARR
Legislative District 18
Montgomery County

Health and Government Operations
Committee

Subcommittees

Insurance and Pharmaceuticals
Health Occupations and
Long-Term Care

The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

The Maryland House of Delegates
6 Bladen Street, Room 222
Annapolis, Maryland 21401
410-841-3638 · 301-858-3638
800-492-7122 Ext. 3638
Fax 410-841-3053 · 301-858-3053
Alfred.Carr@house.state.md.us

Sponsor Testimony for House Bill 59
Ethics - Local Government - Registration of Lobbyists
March 23, 2022

House Bill 59 is designed to strengthen lobbying provisions within local ethics ordinances.

Under current law, Maryland's Counties and Municipalities (unless exempted) are required to have ethics ordinances including lobbying provisions that are "substantially similar" to state provisions. COMAR regulations provide guidance in the form of 2 model ethics ordinances: Model A and Model B

In practice, County and Municipal ethics laws often fail to cover what would be considered lobbying activity to an ordinary person or under state rules. Because of the weak guidance in COMAR, the definition of lobbying and who must register varies greatly from jurisdiction to jurisdiction. Some local governments follow the strong definition in the Model A ordinance while others have adopted the weaker definition in the Model B ordinance.

HB59 addresses this problem by strengthening the guidance in COMAR. It ensures that the definition of lobbying will more closely adhere to what is currently in the Model A ordinance.

HB59 was written in consultation with DLS and state ethics commission staff. It was unanimously approved by the House of Delegates.

I ask for your favorable report.

House Bill 59 - Ethics - Local Government - Registration of Lobbyists Sponsor Testimony - Additional Information

A. Maryland Counties

County	2010 Pop	Ordinance
Montgomery	971,777	Legislative = A Executive = B
Prince George's	863,420	Model A
Baltimore County	805,029	Model A
Baltimore City	620,961	Legislative = A Executive = B
Anne Arundel	537,656	Model A
Howard County	287,085	Model A
Harford County	244,826	Model B
Frederick County	240,336	Model A
Carroll County	167,134	Model B
Charles County	146,551	Model B
Washington County	147,430	Model B
St. Mary's County	105,151	Model B
Cecil County	101,108	Model B
Wicomico County	98,733	Model B
Calvert County	88,737	Model A
Worcester County	51,454	Model B
Queen Anne's	47,798	Model A
Talbot County	37,782	Model B
Dorchester County	32,618	Model B
Allegheny County	75,087	Model B
Caroline County	33,066	Model A
Kent County	20,197	Model B

Model A = strong, Model B = weak

House Bill 59 - Ethics - Local Government - Registration of Lobbyists Sponsor Testimony - Additional Information

B. Prince George's Municipalities

Municipality	Pop	Ordinance	Exemption	FY oper	Lobbying registrations
Bowie	54,727	Model A	None	\$64M	2 lobbyists currently registered. In past 5 years, 8 unique lobbyists registered
College Park	30,413	Model B	None	\$29M	none in last 5 years
Laurel	25,115	Model A	None	\$36M	only 1 registered lobbyist (pair of developers)
Greenbelt	23,068	Model A	None	\$32M	none
Hyattsville	17,557	Model B	None	\$23M	none in last 5 years
New Carrollton	12,135	Model A	None	\$12M	none in last 5 years
Bladensburg	9,148	Model B	None	\$7M	
Mount Rainier	8,080	Model A	Lobbying	\$8M	none currently
Riverdale Park	6,956	Model B	None	\$8M	
Cheverly	6,173	Model B	None	\$8M	
Seat Pleasant	4,542	Model B	None	\$12M	

C. Montgomery Municipalities

Municipality	Pop	Ordinance	Exemption	FY oper	Lobbying registrations
Gaithersburg	59,933	Model B	None	\$70M	none in last 5 years
Rockville	61,209	Model B	None	\$86M	none
Takoma Park	16,715	Model B	None	\$35M	none in last 5 years
Poolesville	4,883	Model B	None	\$4M	
Kensington	2,213	Model A	Full	\$3M	none in last 5 years

**House Bill 59 - Ethics - Local Government - Registration of Lobbyists
Sponsor Testimony - Additional Information**

D. Other Large Municipalities

Municipality	2020 Pop	Ordinance	Exemption	FY oper	Lobbying registrations
Frederick	78,171	Model B	none	\$112M	Awaiting response
Hagerstown	43,527	Model B	none	\$49M	Awaiting response
Annapolis	40,812	Model B	none	\$91M	none
Salisbury	33,050	Model B	none	\$45M	none
Cumberland	19,076	Model B	none	\$28M	none
Westminster	20,126	Model B	none	\$18M	Awaiting response
Easton	17,101	Model B	none	\$24M	none
Aberdeen	16,254	Model B	none	\$18M	none
Cambridge	13,096	Model B	none	\$17M	Awaiting response
Bel Air	10,661	Model B	none	\$15M	none
Mount Airy	9,654	Model B	none	\$5M	none
Frostburg	7,027	Model B	none	\$5M	none
La Plata	10,159	Model B	none	\$10M	none
Ocean City	6,844	Model B	none	\$92M	none

HB59 - Favorable - Farber.pdf

Uploaded by: Amanda Farber

Position: FAV

HB 59 - SUPPORT
Amanda Farber
7903 Kentucky Ave.
Bethesda, MD 20814
amandafarber@hotmail.com
240-271-9033

HB 59 – Ethics – Local Governments – Registration of Lobbyists
March 23, 2022
Before the Education, House, Environmental Affairs Committee

While lobbying laws and regulations are generally considered very strong at the State level in Maryland, they are not as strong – and often not consistent – at the local level. This has led to issues with confusion and compliance of paid lobbying interests and regulations at the local level in recent years.

HB 59 would strengthen the lobbying provisions within county and municipal ethics laws and help reduce confusion and increase compliance by creating greater consistency – for both the general public and for paid lobbyists.

The purpose of requiring individuals and organizations to register as lobbyists is to inspire public confidence in government by providing transparency to the resources being expended to influence public policy. Again, this is taken very seriously at the State level.

In terms of local governments, the State Ethics Commission provides two model ethics ordinances (Model A and Model B) within COMAR regulations that may be used in developing local regulations. Unfortunately, the current guidance in COMAR has created a lack of consistency for lobbying provisions within local ethics ordinances. Many jurisdictions have adopted the weaker lobbying definitions that are allowed by the model B ordinance, and some municipalities have exemptions. HB 59 would create more consistency and would require the use of compensation/expense as the lobbying definition trigger rather than the weaker model B trigger of relying solely on meals, entertainment and gifts.

Currently, many individuals and organizations that are paid or spend money to influence government decisions are not required to register as lobbyists. Many of Maryland's largest jurisdictions have few or no registered lobbyists.

HB 59 will result in stronger and more consistent local lobbying rules throughout Maryland. Please support and pass HB 59. Thank you.

HB 59 - MoCo_Elrich_FAV (Senate)(GA 22).pdf

Uploaded by: Marc Elrich

Position: FAV



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

March 23, 2022

TO: The Honorable Paul G. Pinsky
Chair, Education, Health, and Environmental Affairs Committee

FROM: Marc Elrich
County Executive

RE: House Bill 59, *Ethics – Local Governments – Registration of Lobbyists*
Support

I am writing to express my support for House Bill 59, *Local Governments – Registration of Lobbyists*, which requires that the scope of lobbying activities governed by local ethics laws be comparable to the scope of lobbying activities governed by the State Ethics Law. House Bill 59 retains the general authority granted to counties and municipalities to enact laws that are substantially similar to the State Ethics Law. However, it expressly provides that local ethics laws must require any entity that engages in lobbying activities comparable to those that are identified in the State Ethics Law regarding State-level lobbying (§5-207 of the General Provisions Article) to register with the appropriate local agency and be treated as a regulated lobbyist at the local level. The bill also requires the State Ethics Commission to modify current regulations that establish model provisions for local ethics laws to reflect this new requirement.

I think it serves the public interest to require that the scope of lobbying activities regulated at the local level be comparable to the scope of lobbying activities regulated at the State level and respectfully request that the Education, Health, and Environmental Affairs Committee give this bill a favorable report.

cc: Members of the Education, Health, and Environmental Affairs Committee

HB 59 - Ethics – Local Governments – Registration

Uploaded by: Morgan Drayton

Position: FAV

March 23, 2022

Testimony on HB 59
Ethics – Local Governments – Registration of Lobbyists
Environment and Transportation

Position: Favorable

Common Cause Maryland supports HB 59 which aims to strengthen our local ethics laws by improving the guidance provided to local jurisdictions throughout the state.

While the vast majority of local governments have made good faith attempts to update their ethics codes, there are many jurisdictions that have fail to cover what would be considered a lobbyist at the state level. In jurisdictions like Montgomery County, Baltimore City and Hyattsville an individual can spend a significant amount of time and money influencing decisionmakers and not be required to register as a lobbyist because the code is modeled after option B in COMAR.

HB 59 aims to address this by improving the definition of lobbying in option B which currently only requires registration if a person appears before a public official or employee and spends more than \$100 on things like food, entertainment, or gifts with intent to influence. HB 59 would bring the definition of lobbying closer to that in option A which covers more lobbying activity.

Strong ethics laws are the cornerstone of accountable government. They assure the public that elected officials are acting in the public interest. Transparency in lobbying at all levels of government is also a critical element of a functioning democracy as ensure the public knows who is working to influence decisionmakers. HB 59 is a part of the solution, and for the reasons outlined above we urge a favorable report.

HB0059-Seth Grimes-Favorable.pdf

Uploaded by: Seth Grimes

Position: FAV

Education, Health & Environmental Affairs Committee, Maryland Senate
HB0059, Ethics - Local Government - Registration of Lobbyists
Support

Chair Pinsky and Members of the Education, Health & Environmental Affairs Committee,

I support [HB0059](#), legislation requiring lobbying registration and establishing provisions for local governments.

This legislation addresses an actual issue and will boost transparency and accountability, key attributes of good government.

I served two terms as an elected member of the Takoma Park City Council. I can think of three instances when paid lobbyists interacted with me and with city officials in private or testified before the council as a whole:

- A container-company regional vice president, accompanied by a government-relations contractor, lobbied me and colleagues in opposition to a community-initiated city ban on polystyrene food serviceware.
- A pesticide-industry association representative lobbied me and colleagues in opposition to city legislation, again initiated by community members, to ban lawn-care pesticides.
- Real-estate attorneys and a government-relations firm approached city officials and lobbied councilmembers regarding a pending development proposal that faced community opposition.

These are simply examples. These lobbyist activities and others like them should have been formally registered and disclosed, but they weren't as there was no municipal requirement.

HB0059 would create much needed lobbying provisions for Maryland local governments. Please give this legislation a favorable committee report and work toward enactment by the Senate as a whole.

Thank you for your consideration.

Sincerely,

Seth Grimes

7300 Willow Avenue
Takoma Park, MD 20912
seth.grimes@gmail.com

HB0059-EHE_MACo_OPP.pdf

Uploaded by: D'Paul Nibber

Position: UNF



House Bill 59

Ethics – Local Governments – Registration of Lobbyists

MACo Position: **OPPOSE**

To: Education, Health, and Environmental
Affairs Committee

Date: March 23, 2022

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 has reviewed amendment language adopted by the Maryland House of Delegates 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. Regardless, county officials maintain their opposition as the adopted amendment language is still constraining, and the bill may still apply to groups whose activities are not traditionally considered lobbying.

HB 59 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.