



BILL SYNOPSIS

Committee: Equity and Structure

Bill 19-0442

Legislation – Equity Assessment and Fiscal Note Requirement

Sponsor: President Brandon Scott

Introduced: September 9, 2019

Purpose:

For the purpose of requiring that certain legislation be accompanied by an equity assessment and fiscal note prior to being voted on by a legislative committee; establishing that the Office of Council Services prepare the required equity assessment and fiscal notes; defining certain terms; providing for the time for submission of the equity assessment and fiscal note; providing for the content of a fiscal note; and providing for a special effective date.

Effective: Enactment of this legislation would be on July 1st of 2020

Agency Reports

Department of Law	
Department of Finance	
Office of Civil Rights	

Analysis

Current Law:

Amend – Article 1 – Mayor, City Council, and Municipal Agencies; Section(s) 1-3.1; Baltimore City Code (Edition 2000)

Background

The legislative body of the Maryland General Assembly is supported by the Department of Legislative Services. Within the Department of Legislative Services is the Office of Policy Analysis which is responsible for preparing fiscal and policy notes for legislation to be heard by the committees of that body. In general, these fiscal and policy notes contain:

1. A summary of the bill;
2. An estimate of the fiscal impact of the bill on the revenues and expenditures of State and local governments during the year in which the bill is to become effective and for the next four years following that year;
3. An overview of relevant existing law; and
4. An assessment of the bill's impact on small businesses.

The Office of Policy Analysis is able to accomplish the duties listed above because it is outlined in the Maryland State Government Code Section 2 – 1249 Subsection (c)(1) that states:

In order to facilitate the preparation of the analyses required under subsection (a)(1) of this section, a unit of State government shall respond to a request from the Office for information on the fiscal and operational impact of proposed legislation within 3 business days after receipt of the request.

The Baltimore City Council receives similar staff support provided by the Office of Council Services. The analyst in that office are responsible for conducting legislative analysis for bills assigned to their designated committees, and including any pertinent information into their bill synopsis as provided by city agencies and external research.

Operational Barriers

In the purpose clause, this legislation would establish that the Office of Council Services prepare the required equity assessment and fiscal note separate from the ones being submitted by city agencies. Currently, the Bureau of Budget and Management Research (BBMR) is the city agency that provides fiscal notes when requested on legislation being heard by committees of the Baltimore City Council. BBMR along with the other city agencies that are required to submit an equity assessment are a part of the executive branch of government. That would create a problem as the information that this legislation is asking the Office of Council Services to prepare is housed within those agencies, and there is no way of obtaining any of the required information unless it is provided by the requested agency.

In Article 1: Subtitle 2 Office of Council Services; Section 5(c) of the Baltimore City Code it states the following:

(c) Agency assistance

All departments, bureaus, agencies, boards, and commissions of the municipal government shall, upon request, provide responsible assistance and information to the Office of Council Services.

While this provision provides assistance to the Office of Council Services to try and obtain documents from agencies, legally the office has no authority to make municipal agencies in the executive branch of government provide them with the information being requested. As can be seen with the current process, the Office of Council Services rarely receives the required agency reports on time.

Legislative Barriers

This legislation also requires that certain bills be accompanied by an equity assessment and fiscal note prior to the bill being voted on by a legislative committee. A full analysis of this legislation revealed that there is no defined section in this bill that outlines what legislation will be required to have those accompanying documents. Some guidance should be provided in general to create a framework for what is to be expected through this request. Looking into this issue further you will find the following:

(B) Bill Requirements.

(1) In General.

Except as provided in paragraph (3) of this subsection, a legislative committee may not vote on a bill unless accompanied by:

- (I) A comprehensive equity assessment evaluating the bill's impacts on equity, if any; and
- (II) A fiscal note setting forth the contents specified by subsection (E) of this section.

This action could possibly harm the City Council as a legislative body because it would render them powerless in taking action on legislative matters before their respective committees. This would occur because the Executive branch of city government could elect to not work with the committee staff from the Office of Council Services in obtaining the required equity assessment and fiscal note information from the agency, which in turn could delay or even possibly prohibit the committee from voting on the legislation. Including language that wouldn't allow the City Council to vote on legislation without documents provided by city agencies would drastically create an imbalance of power between the executive and legislative branches of government.

Staffing

During this term, there have been over 800 pieces of legislation introduced by the members of the Baltimore City Council. Without guidance on what "types" of legislation will require an equity assessment and fiscal note it would be hard to predict if the Office of Council Services is adequately staffed to comply with the mandates of this legislation. Also, further examination will need to be given to ensure that the positions of the members in the office are appropriately classified with the additional job duties that they would be taking on. Consideration should be given to the fact that the office already employs one Fiscal Policy Analyst who is responsible for performing similar task as outlined in this legislation. To make those task a requirement of every other member in the office

could require having to move the other three Legislative Services Analyst into the job classification of Fiscal Policy Analyst which would increase the office salary budget by approximately 5.8%. That overall number is consistent with the 5.9% to 6.1% increase each person would see based on current salary projections.

Positions	Salary
Legislative Services Analyst	\$62,171 - \$99,709
Fiscal Policy Analyst	\$66,118 - \$105,788

In bill 18-0223 Equity Assessment Program, agencies are required to identify/hire equity coordinators to manage the agency’s participation in the Equity Assessment Program. Also, whenever these agencies report to the City Council on a proposed ordinance or resolution, they shall include in that report the results of an equity assessment of the proposal’s impact on its operations. Again, the Office of Council Services is being asked to conduct a separate equity assessment from the one that the agency is already conducting. This job task will also need further examination to ensure that the positions of the members in the office are appropriately classified with the additional job duties that they would be taking on. Listed below are three Equity Coordinator positions within city agencies to provide a context on how they are classified:

Department	Classification	Salary
Dept. of Public Works	Equity Coordinator/Operations Manager	\$87,552 - \$144,285
Fire Department	Equity Coordinator/Operations Manager	\$87,552 - \$144,285
Police Department	Equity Officer/Operations Officer IV	\$75,715 - \$121,037

Recommendations

1. On page 2, strike lines 11 through 18. This subsection would require the legislative branch of government to move at the direction of the executive branch because they would not be able to vote on legislation unless the requested documents were submitted to the committee.
2. On page 3, strike “prepared” in line 3, and replace it with “facilitated”. Unless an amendment is included in this legislation to grant the Office of Council Services with access or authority to compel city agencies to provide them with internal information so that these documents can be prepared by committee staff there is no way for the office to be in compliance with this policy.
3. On page 3, under section (D) Time for Submission, add:
 - (3) Agency Requirement.
 In order to facilitate the preparation of the analyses required under subsection (B)(1), all departments, bureaus, agencies, boards, and commissions of the municipal government shall respond to a request from the Office of Council Services for information on the fiscal, equity and operational impact of the proposed legislation within 3 business days after receipt of the request.

Additional Information

Fiscal Note: Not Available

Information Source(s): Baltimore City Charter, Agency Reports

Analysis by: Samuel Johnson
 Analysis Date: September 22, 2020

Direct Inquiries to: (410) 396-1091