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### Senate Bill 312 – Public Information Act – Personnel Records of Elected Officials and Joint Ethics Committee Records

#### Testimony Before the Education, Energy, and the Environment Committee

The State Ethics Commission provides this informational written testimony to explain the impact of this proposed legislation as set forth in the agency's fiscal note submitted on this bill. There will be several operational impacts on the State Ethics Commission from this proposed legislation. The State Ethics Commission would have to change existing training programs for State employees/officials and lobbyists, complaint and enforcement forms, enforcement procedures, informational materials, and website information to reflect the changes to confidentiality of complaint enforcement matters in the proposed legislation. The State Ethics Commission would also have to change existing enforcement regulations. In addition, the Commission would have to change existing local government regulations to include the changes from the proposed legislation in its regulations and Model Laws for local governments to consider including in local ethics laws. The anticipated fiscal impact would be approximately \$40,000 for necessary changes to programming and electronic training programs for State employees/officials and lobbyists. This work is completed by outside vendors.

Senate Bill 312 seeks to change the confidentiality provisions of the Public Ethics Law in an impactful way. This legislation will remove any confidentiality restrictions for information related to a complaint investigated by the State Ethics Commission, whether or not that investigation concluded with a finding of a violation of a provision of the Maryland Public Ethics Law. Currently, in instances where the State Ethics Commission does issue a complaint, investigates the complaint and makes a finding of a violation after holding a hearing, the State Ethics Commission issues a finding of facts and conclusions of law with respect to the violations. Information related to findings of a violation of the Public Ethics Law are not confidential and are posted on the State Ethics Commission's website. Settlement agreements in which an individual admits to a violation of a provision of the Public Ethics Law are also public and posted on the State Ethics Commission's website. The proposed legislation will remove confidentiality restrictions for complaints filed with and investigated by the State Ethics Commission that do not result in a finding of a violation. The proposed legislation, as drafted, will impact all individuals over which the State Ethics Commission has conflict of interest enforcement jurisdiction including State employees, public officials who are members of State Boards and Commissions, State elected officials of the Executive Branch and registered lobbyists.