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**House Bill 159 – State Ethics Commission – Determination of Public Official in an
Executive Unit – Information From Units of State Government**

**Testimony before the Environment and Transportation
Committee**

The State Ethics Commission strongly supports HB 159 – State Ethics Commission – Determination of Public Official in an Executive Unit – Information From Units of State Government. This departmental bill affects the current “voluntary” assistance the State Ethics Commission receives from various governmental units in the Commission’s implementation of the State’s financial disclosure program by making that assistance mandatory.

The financial disclosure program is an extremely important component of the State’s Public Ethics Law. The program, which has been in place since the Law’s inception in 1979, requires the Commission to identify positions in State government that satisfy criteria described in the Law, and then maintain an accurate data base of employees who occupy those positions in order to monitor and enforce compliance with the Law’s filing requirements by those employees.¹ The cooperation of the various governmental units in the foregoing process is absolutely essential to the execution of an effective financial disclosure program within State government. It goes without saying that the only accurate information about the grade levels and duties of State government positions (the key criteria in determining if a position should be deemed a public official position) resides in the governmental units themselves. Currently the Ethics Law imposes no obligation on governmental units to assist the Commission in executing the financial disclosure program by sharing the information they uniquely possess. The Commission has historically relied on voluntary cooperation throughout State government.

To effectively execute the State’s financial disclosure program, the Commission is dependent upon assistance from governmental units in two primary respects. First, as noted above, the Commission relies on the governmental units to review their positions and recommend to the Commission those they believe satisfy the Law’s filing criteria. Second, once positions are approved as filing positions, the Commission requires the governmental units to identify the persons actually occupying the positions, so that the Commission has an accurate

¹ The Ethics Law refers to these financial disclosure filers as “public officials”.

database it can use to monitor compliance with the Law's filing requirements by those employees. This means that the governmental units must keep the Commission updated on the transition of employees in and out of designated filing positions. It is in this area in particular that many governmental units fall short, and is the most important justification for this change to the Ethics Law.

Many governmental units share the Commission's belief that the financial disclosure program is critical to the full and proper implementation of the Ethics Law and consistently provide the assistance the Commission requires. However, for any number of reasons, which could include staffing issues or failure to assign a proper level of priority to the task, others fall short in providing the Commission the assistance it requires to execute this program. The Commission believes that adding the proposed mandate to the Law will alleviate some of the shortcomings in the process that result from the current voluntary approach to assistance, thereby strengthening the financial disclosure program, and by extension the Public Ethics Law.