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Senate Bill 121 - Personal Information - Public Servant Protections

Testimony Before the Education, Energy, and the Environment Committee

This proposed legislation will have both a fiscal and operational impact on the State Ethics Commission. The anticipated fiscal impact would be approximately \$115,000 for necessary changes to IT programming for the Commission's electronic financial disclosure system, financial disclosure auditing program updates, IT programming for necessary financial disclosure statement information redaction through the office's public viewing terminal, three electronic training modules, and the electronic lobbying registration and reporting system. All updates to the various electronic systems from this legislation and necessary integration between IT systems will be completed by three separate outside vendors. The State Ethics Commission has submitted revised fiscal and operational impact information from its original fiscal note to the Department of Legislative Services based on additional agency system updates identified as necessary to comply with this proposed legislation.

The State Ethics Commission will have to coordinate with the Secretary of State's Office to receive notification of Public Servant Address Confidentiality Program participants who are protected individuals under this legislation and required to file a financial disclosure statement or other reports with the State Ethics Commission that are required to be published pursuant to the provisions of the Public Ethics Law. The financial disclosure provisions of Subtitle 6 of the Public Ethics Law require financial disclosure filers to disclose information related to ownership interests or lease interests in real property, employment of the filer and the filer's spouse, and employment information of a dependent child if the dependent child's employer does business with the filer's governmental unit. The State Ethics Commission will have to take operational steps to identify disclosure information required under Subtitle 6 of the Public Ethics Law that is also protected from publishing under this legislation.

Pursuant to §5-606 of the Public Ethics Law, the State Ethics Commission is required to publish financial disclosure statements for Elected State officials, candidates to be State officials and Secretaries of principal departments through an electronic system available on its website with access for registered public users. Information related to a primary or secondary residence of a filer must already be redacted from public view in this access system or from other public inspection pursuant to §5-606 of the Public Ethics Law. The State Ethics Commission will have

to make significant programming changes to its electronic financial disclosure system for additional required redacted information for specific protected individuals outlined in this legislation. Additionally, programming changes to provide filers who are protected individuals with the opportunity to consent to public disclosure of protected information will also be necessary to comply with this proposed legislation. Changes to electronic training modules will also be necessary to reflect any changes from this proposed legislation.

It is also possible that a protected individual under this legislation may be a registered lobbyist with the State Ethics Commission and required to report information related to lobbying contact information and lobbying activity that is information protected under this legislation. Lobbyist registrations and reports filed with the State Ethics Commission are public records and available through the Commission's electronic lobbying system on its website. Additional programming changes to the electronic lobbying system will also be necessary to provide registered lobbyists with the opportunity to consent to public disclosure of protected information. Necessary lobbying system programming changes must also incorporate options for additional public viewing redactions of protected information on filed lobbying registrations and reports. Changes to the electronic lobbying training module will also be necessary to reflect any changes from this proposed legislation.

The State Ethics Commission will also amend existing regulations to reflect the changes in the proposed legislation. Local governments may have to change the administrative provisions related to confidentiality, financial disclosure, and lobbying provisions in local ethics laws to reflect the proposed legislation.