



TO: Members, Senate Education, Health, & Environmental Affairs Committee
FROM: Mary Beth Tung – Director, MEA
SUBJECT: SB0449 - Public Information Act – Revisions (Equitable Access to Records Act)
DATE: February 23, 2021

MEA Position: Letter of Information

MEA has been heralded for the transparency provided by its annual Strategic Energy Investment Fund Report; itemizing each and every grant provided by MEA and highlighting the efficacy of its bevy of programs. MEA is working to continue this record of transparency, and to exceed its statutory mandate by creating new methods of communicating with legislators and the public.

The goals of Senate Bill 449 are laudable, but the proposed statutory changes may pose challenges for MEA and its programs. Prematurely disclosing information could be problematic as our grant applications contain contact information, other personally identifying information, and confidential business information that would preclude us from sharing this "computer record" proactively. Additionally, many MEA grants are competitive. If MEA is required to publicly post certain completed grant applications on our website, we would not likely see full subscription of certain grant programs. Organizations that seek funding but must retain sensitive information for the success and longevity of their business would therefore opt out of energy savings and emission reductions.

The bill may frustrate the confidential nature of certain Public Service Commission (PSC) filings as well. MEA and other entities filing before the PSC are permitted to mark items as "confidential". This would be frustrated by the altered authority of the State Public Information Act Compliance Board (the "Board"), as MEA (and other agencies) would be required to submit the confidential information to the Board that could then release said information to the public. While MEA believes the Board is likely to respect the advice and wishes of the PSC, it will not be required under statute. The Board consists of not a judge, but a number of individuals, some of whom represent public interest groups.

MEA urges the committee to consider this information when reporting on Senate Bill 449.