



## Maryland Municipal League

*The Association of Maryland's Cities and Towns*

# TESTIMONY

February 11, 2021

**Committee:** House Health and Government Operations

**Bill:** HB 183 – Public Information Act – Revisions (Equitable Access to Records Act)

**Position:** Informational

**Reason for Position:**

The Maryland Municipal League does not have a position on HB 183, but would like to share the following perspective with the Committee. As introduced, this legislation represents year-long negotiations with the sponsor and interested parties to expand the role of the Public Information Act Compliance Board in a way that improves access to public information and allows local governments an avenue for relief from bad faith requestors.

The League finds many of the aspects and intentions of the bill favorable, including increased access to existing public records and PIA dispute remedies, and our membership greatly appreciates the new authority given to the Compliance Board to deal with unnecessarily large or ill-intentioned requests. The only thing keeping the League from a support position is the drain these reforms will have on local government resources. For most municipalities, these resources will take the form of additional staff time and additional legal costs.

For many municipalities, especially the smaller ones, it is not unusual for staff members to fill multiple roles and simply not have the ability to add any additional tasks or responsibilities. Thus, there is a strong likelihood that the matter would be shifted entirely to the municipality's attorney which would unexpectedly increase the legal budget and in turn limit the Town's ability to address and plan for legal needs such as legislation and the like. As you may know, many municipalities do not have counsel on staff and legal services are retained on an hourly basis. The costs could be significant.

Similarly, the proposed revisions related to making available to the general public all Public Information Act requests will require additional staff time and legal review. Often municipalities receive requests that are specific to the individual requestor and the response is tailored to that individual request. The response may contain information that would not otherwise be publicly available absent a vetting process established under the existing provisions of the Public

1212 West Street, Annapolis, Maryland 21401

410-268-5514 | 800-492-7121 | FAX: 410-268-7004 | [www.md-municipal.org](http://www.md-municipal.org)

Information Act. For example, a person of interest requesting a police report would likely receive greater access to the information in the report than a person who is not a person of interest. The redaction analysis applied to a person of interest as opposed to the public at large is different. There may be further costs related to making these documents ADA compliant as well.

The expansion of the Compliance Board's role is also likely to increase costs. It stands to reason that staff time and costs associated with a potential increase in Compliance Board matters, due to the need to prepare for and navigate that process, could be costly. A related concern involves the use of the reasonableness standard in various places throughout the proposed legislation. Generally, a reasonableness standard is open to interpretation in many contexts and may lead to an unintended increase in litigation and associated costs.

Our cities and towns generally have a very good relationships with both the PIA Ombudsman and Compliance Board and look forward to working with them in their new roles should this legislation be enacted. The League respectfully requests to be included in any stakeholder discussions on HB 183 as a party of interest.

**FOR MORE INFORMATION CONTACT:**

Scott A. Hancock	Executive Director
Angelica Bailey	Director, Government Relations
Bill Jorch	Director, Research & Policy Analysis
Justin Fiore	Manager, Government Relations