



Maryland Municipal League
The Association of Maryland's Cities and Towns

TESTIMONY

March 24, 2022

Committee: Senate Education, Health and Environmental Affairs Committee

Bill: HB 246 – Open Meetings Act – Notices, Close Sessions, and Minutes – Retention Periods, Online Posting, and Public Inspection

Position: Support with Amendment

Reason for Position:

The Maryland Municipal League supports HB 246 with amendment. As amended, the bill extends a couple of record retention requirements from 1 to 3 year(s) and requires a public body to make certain documents or recordings available to a requester digitally within five days.

The League understands and appreciates the sponsors intent to pandemic proof local government operations by marrying transparency with public access. Our membership agrees such public documents should be made available to a requestor and have supported several Public Information Act reforms in recent years.

However, we are still concerned about the 5-day digital response timeline. **The Public Information Act is the appropriate framework to handle document requests** and already compels a custodian to “grant or deny the application promptly” and “produce the public record immediately or within a reasonable period that is needed to retrieve the record.” It would be confusing and unnecessary to establish special timelines for different documents elsewhere in the law.

Further, we believe the types of violations envisioned by this bill under the Open Meetings Act would also be a violation of the Public Information Act and see no public benefit to double-penalizing a jurisdiction for a single action.

NEXT...

Therefore, the League respectfully requests amendments to strike those provisions (lines 4-7 on page 5 and lines 26 on page 6 through line 3 on page 7) and asks the committee to provide HB 246 with a favorable report.

FOR MORE INFORMATION CONTACT:

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