



House Bill 401

Public Information Act - Remote Access, Fee Complaints, Fee Waivers, and Inspection of Judicial Records (Open Government, Better Government Act)

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Judiciary and Health and Government
Operations Committees

Date: February 12, 2020

From: Alex Butler

The Maryland Association of Counties (MACo) **SUPPORTS HB 401 WITH AMENDMENTS**. MACo recognizes the importance of the Public Information Act, and counties make good faith efforts to comply with both the letter and the spirit of the law, but are concerned with elements of this bill that would unnecessarily strain already limited county resources.

HB 401 would require record custodians waive fees for inmates. MACo opposes this provision. MACo recognizes inmates can be a challenging population to serve when it comes to PIA requests. While there are inmates deserving of fee waivers, which counties can and in many instances do grant, there are undeniably also abusive requests. A mandatory fee waiver for inmates invites more abusive requests, only serving to inundate counties with more burdensome requests.

HB 401 would require record custodians waive all fees for an overbroadly defined “representative of the news media” and indigent applicants. MACo opposes these provisions. Counties are generous in granting fee waivers, but will charge fees for time-intensive and costly requests as they put a significant burden on limited county resources. Counties should retain the discretion to grant fee waivers. If an applicant is unsatisfied with the fee amount charged for a request, they have the ability to seek a ruling by the Public Information Act Compliance Board provided the fee is over \$350.

Another pending bill, HB 502, proposes sweeping changes to the duties of the Compliance Board to include the ability to hear allegations that a custodian charged an unreasonable fee of \$200 or more, or that a custodian unreasonably failed to waive a fee. MACo supports these provisions that are included in both HB 401 and HB 502. This process allows individuals who feel a custodian has charged an improper fee the ability to seek an outside judgment by the Board.

For these reasons, MACo asks the committee to offer a report of **FAVORABLE WITH AMENDMENTS** for HB 401, and to actively coordinate its efforts with the Committee on Health and Government Operations on productive Public Information Act reforms this session.