



Senate Bill 695

General Provisions – Public Information Act – Enforcement, Fees, and Exemptions

MACo Position: **SUPPORT**
WITH AMENDMENTS

Date: March 6, 2015

To: Education, Health, and Environmental Affairs
Committee
From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** SB 695 **WITH AMENDMENTS**. While MACo and the counties support the bill's overall goal of increasing access to information held by governmental units, many of the bill's changes to the Maryland Public Information Act (PIA) pose serious legal, implementation, and cost challenges that need careful consideration and revision.

As introduced, the bill would create a new State Public Information Act Compliance Board to resolve disputes over discretionary denials of information, fees, and denials of a newly created fee waiver. The bill also includes a section requiring a contractor or subcontractor to relinquish public records, mandates new response times, limits when fees may be charged, lessens burden of proof for requestors who take a case to court, and creates new statutory damages.

In general, the number of PIA requests that counties receive have been increasing in both number and complexity. Counties struggle with far-reaching abusive requests or "fishing expeditions." But even focused and rational requests take time and money to fulfill. SB 695 would upend the ability of the counties to set reasonable fees while at the same time imposing challenging performance expectations – all of which could have substantial effect on taxpayers, who must effectively subsidize the real costs of requests if they are not recovered from the requesting party. The bill's fiscal note discusses the potentially significant impact the bill will have on local government operations.

MACo has broad concerns regarding the legality and practicality of many of the introduced bill's provisions but it is MACo's understanding that the bill's proponents plan on introducing significant amendments. MACo is supportive of the PIA and willing to work with the bill's proponents to create amendments that recognize the valid legal, operational, and cost considerations of county governments while reasonably increasing access to public records. If an agreement can be reached, MACo recommends the Committee issue a report of **FAVORABLE WITH AMENDMENTS** for SB 695.