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February 15, 2022

Chair Shane Pendergrass
Vice Chair Joseline Peña-Melnyk
Members of the House Health and Government Operations Committee
Room 241 House Office Building
Annapolis, MD 21401

House Bill 375 - Open Meetings Act - Application and Enhanced Requirements (Maryland State Agency Transparency Act of 2022)

POSITION: SUPPORT

Dear Chair Pendergrass, Vice Chair Peña-Melnyk, and Members of the Committee:

The Administration supports House Bill 375 - Open Meetings Act - Application and Enhanced Requirements (Maryland State Agency Transparency Act of 2022). House Bill 375 would require certain units of state government to be subject to the Open Meetings Act, as well as strengthen the Open Meetings Act requirements for certain units of state government to bring more transparency to government. This bill will codify a similar recommendation from the Governor's State Transparency and Accountability Reform (STAR) Commission.

The Hogan Administration remains committed to bringing transparency, accountability, and appropriate oversight measures for units of government. The people of Maryland deserve and expect a government that operates with integrity, and there must be adequate safeguards and oversight to ensure that all units of state government operate consistently with the public trust.

In December 2020, Governor Hogan announced the creation of the STAR Commission, which was chaired by former state Senator Andrew Serafini. The Commission's charge was to review the operations and structures of state instrumentalities that operate as quasi-governmental agencies. These agencies, created by statute, are designed to fulfill public purposes by operating with structures that provide the necessary managerial flexibility to ensure optimal performance. It is the state's duty to ensure that these agencies operate with the highest integrity, and provide services in accordance with their mission, while maintaining public trust. The Commission's final report was released on December 1, 2022, and contained numerous recommendations to help improve transparency and accountability for these instrumentalities of the state. Recommendation 28 of the report states that "all boards, to the extent practicable, should livestream and archive their public meetings, post the agenda, materials and minutes for each meeting," which aligns with the goals of House Bill 375.

House Bill 375 would expand the list of entities that is subject to the Open Meetings Act by removing current exemptions for the following units: Maryland Economic Development Corporation (MEDCO), Maryland Agricultural and Resource-Based Industry Development Corporation (MARBIDCO), Maryland Clean Energy Center (MCEC), and Bainbridge Development Corporation (BDC).

The legislation will also enhance certain sections of the Open Meetings Act by requiring that certain public bodies, typically an entity's governing board, post on their website the agenda and meeting materials at least 48 hours ahead of the meeting, approving a previous meeting's minutes in an open meeting and posting them on their website within 2 days after approval. Many of these bodies will also be responsible for maintaining meeting minutes and video archives on their website for a certain period of time. These provisions would apply to the following public bodies: BDC, Canal Place Preservation and Development Authority, Maryland 9-1-1 Board, MARBIDCO, Maryland Automobile Insurance Fund, MCEC, MEDCO, Maryland Environmental

Service, Maryland Food Center Authority, Maryland Industrial Development Financing Authority, Maryland Stadium Authority, Maryland Transportation Authority, Northeast Maryland Waste Disposal Authority, Public Service Commission, and State Board of Elections.

For these reasons, the Administration respectfully requests a favorable report on House Bill 375. If you have any questions or need additional information, please contact Erin Chase, Governor's Legislative Office, at 410-974-3336 or erin.chase1@maryland.gov.