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By: **Delegate Getty**

Introduced and read first time: February 23, 1999

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study Access to Public Records**

3 FOR the purpose of establishing a Task Force to Study Access to Public Records;  
4 providing for the composition, quorum, meetings, and staff of the Task Force and  
5 for certain reimbursement for its members; requiring units in the Executive  
6 branch of the State Government and local governments to cooperate with the  
7 Task Force for a certain purpose; requiring the Task Force to perform a  
8 comprehensive study of certain laws of the State concerning the collection,  
9 preservation, disclosure, and confidentiality of public records and documents,  
10 including a certain impact of electronic technology; requiring the Task Force to  
11 submit a certain report and a draft revision of certain provisions of the State  
12 Government Article on or before a certain date; providing for the termination of  
13 this Act; and generally relating to a certain Task Force to Study Access to Public  
14 Records.

15 BY adding to  
16 Article 41 - Governor - Executive and Administrative Departments  
17 Section 18-317  
18 Annotated Code of Maryland  
19 (1997 Replacement Volume and 1998 Supplement)

20 Preamble

21 WHEREAS, It has been an established public policy of the State that public  
22 records of various agencies be collected and retained among those agencies for  
23 reference and availability to interested persons; and

24 WHEREAS, It is understood that most agency records are public records and  
25 should be available for review and inspection by any member of the public who may  
26 have an interest in examining those records; and

27 WHEREAS, It is also understood that, for reasons of public policy and  
28 confidentiality, certain agency records should not be available for review and  
29 inspection by the public; and

1 WHEREAS, The State Public Records Law, which is currently codified in Title  
2 10, Subtitle 6 of the State Government Article, was originally enacted in 1970  
3 (Chapter 698) and, apart from a nonsubstantive revision in 1984, has not been  
4 comprehensively reviewed or modernized; and

5 WHEREAS, Citizens of the State will benefit from a comprehensive substantive  
6 review of the State's Public Records Law and particularly from a determination  
7 concerning which public records should be considered confidential and which should  
8 be maintained without public scrutiny and inspection; now, therefore,

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article 41 - Governor - Executive and Administrative Departments**

12 18-317.

13 (A) THERE IS A TASK FORCE TO STUDY ACCESS TO PUBLIC RECORDS.

14 (B) THE TASK FORCE SHALL CONSIST OF THE FOLLOWING 15 MEMBERS:

15 (1) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE  
16 SPEAKER OF THE HOUSE;

17 (2) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE  
18 MINORITY LEADER OF THE HOUSE;

19 (3) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE  
20 PRESIDENT OF THE SENATE;

21 (4) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE  
22 MINORITY LEADER OF THE SENATE;

23 (5) THE STATE ARCHIVIST OR THE DESIGNEE OF THE STATE ARCHIVIST;

24 (6) THE STATE ATTORNEY GENERAL OR THE DESIGNEE OF THE STATE  
25 ATTORNEY GENERAL;

26 (7) ONE REPRESENTATIVE OF THE MARYLAND-DELAWARE-DISTRICT OF  
27 COLUMBIA PRESS ASSOCIATION, APPOINTED BY THE GOVERNOR;

28 (8) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF  
29 COUNTIES, APPOINTED BY THE GOVERNOR;

30 (9) ONE REPRESENTATIVE OF THE MARYLAND MUNICIPAL LEAGUE,  
31 APPOINTED BY THE GOVERNOR;

32 (10) ONE REPRESENTATIVE OF THE CHESAPEAKE ASSOCIATED PRESS  
33 BROADCASTERS ASSOCIATION, APPOINTED BY THE GOVERNOR;

1 (11) ONE REPRESENTATIVE OF THE MARYLAND OPEN MEETINGS  
2 COMPLIANCE BOARD, APPOINTED BY THE GOVERNOR;

3 (12) ONE REPRESENTATIVE OF COMMON CAUSE OF MARYLAND,  
4 APPOINTED BY THE GOVERNOR; AND

5 (13) ONE REPRESENTATIVE OF THE EXECUTIVE BRANCH OF THE STATE  
6 GOVERNMENT, APPOINTED BY THE GOVERNOR.

7 (C) (1) THE PRESIDENT OF THE SENATE OF MARYLAND SHALL DESIGNATE  
8 ONE OF THE MEMBERS APPOINTED BY THE PRESIDENT AS A COCHAIRMAN OF THE  
9 TASK FORCE.

10 (2) THE SPEAKER OF THE HOUSE OF DELEGATES SHALL DESIGNATE  
11 ONE OF THE MEMBERS APPOINTED BY THE SPEAKER AS A COCHAIRMAN OF THE  
12 TASK FORCE.

13 (D) EIGHT MEMBERS OF THE TASK FORCE SHALL CONSTITUTE A QUORUM.

14 (E) THE TASK FORCE SHALL DETERMINE THE TIMES AND PLACES OF ITS  
15 MEETINGS.

16 (F) A MEMBER OF THE TASK FORCE:

17 (1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE TASK  
18 FORCE; BUT

19 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
20 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

21 (G) THE DEPARTMENT OF LEGISLATIVE SERVICES SHALL PROVIDE STAFF  
22 SUPPORT FOR THE TASK FORCE.

23 (H) UNITS IN THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT AND  
24 LOCAL GOVERNMENTS SHALL COOPERATE WITH THE TASK FORCE IN THE  
25 PERFORMANCE OF ITS RESPONSIBILITIES UNDER THIS SECTION.

26 (I) THE TASK FORCE SHALL PERFORM A COMPREHENSIVE STUDY OF ALL  
27 LAWS OF THE STATE CONCERNING THE COLLECTION, PRESERVATION, DISCLOSURE,  
28 AND CONFIDENTIALITY OF PUBLIC RECORDS AND DOCUMENTS, INCLUDING THE  
29 IMPACT OF ELECTRONIC TECHNOLOGY AS IT RELATES TO THE COLLECTION,  
30 PRESERVATION, DISCLOSURE, AND CONFIDENTIALITY OF PUBLIC RECORDS AND  
31 DOCUMENTS.

32 (J) ON OR BEFORE DECEMBER 31, 2000, THE TASK FORCE SHALL SUBMIT A  
33 REPORT OF ITS FINDINGS AND RECOMMENDATIONS, INCLUDING A DRAFT OF A  
34 REVISION TO TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE, TO THE  
35 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE  
36 GENERAL ASSEMBLY.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 July 1, 1999. It shall remain in effect until December 31, 2000, and, after that date,  
3 with no further action required by the General Assembly, this Act shall be abrogated  
4 and of no further force and effect.