



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

TESTIMONY

February 12, 2020

Committee: House Judiciary

Bill: HB 401- Public Information Act – Remote Access, Fee Complaints, Fee Waivers, and Inspection of Judicial Records (Open Government, Better Government Act)

Position: Oppose

Reason for Position:

The Maryland Municipal League opposes HB 401, which would broadly define the terms “public interest” and “representative of the news media.” Additionally, the bill would require fee waivers if an applicants asks for a waiver and is indigent or is an inmate seeking a record which relates to the inmate’s conviction or incarceration if they have not previously requested such a waiver. Finally, HB 401 would only allow custodians to apply a standard charge for document duplication for a “representative of the news media” if a waiver is requested.

The League is concerned that the definitions in HB 401 are way too broad. Between the definition of “public interest” and a “representative of the news media,” anyone could ask for and MUST receive a wavier – *even if they have the means to pay* – if one claims they will use the information to submit an article to a website or start a blog. We have no means of verifying such statements. We understand this is the language is shared from FOIA, but Maryland’s cities and towns do not have the resources that the federal government possesses.

Smaller municipalities simply cannot afford to produce documents and footage and hire attorneys to deny and redact materials in accordance with Maryland’s PIA laws for free. Our members have been very accommodating to new organizations in the State, waiving a majority of the costs, but anyone with a blog isn’t afford such waivers.

It can take hundreds of hours to review the most voluminous of request and cost thousands of dollars. The challenges are even greater for municipal police departments that have a

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body-worn camera program. MML and our members are committed to government transparency, but we cannot ignore the reality that fulfilling these requests costs money – money that under this bill will have to be recouped in another way, either by cutting from other programs or raising taxes.

The League therefore respectfully requests that this committee provide HB 401 with an unfavorable report.

FOR MORE INFORMATION CONTACT:

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