



## Maryland Municipal League

*The Association of Maryland's Cities and Towns*

# TESTIMONY

January 25, 2022

**Committee:** House Health and Government Operations

**Bill:** HB 246 – Open Meetings Act – Notices, Close Sessions, and Minutes – Retention Periods, Online Posting, and Public Inspection

**Position:** Support with Amendment

**Reason for Position:**

The Maryland Municipal League supports HB 246 with amendment. As introduced, the bill extends a couple records retention requirements from 1 to 3 year(s) and requires a public body to make certain documents or recordings available to a requester digitally within two days.

The League understands and appreciates the sponsors intent to pandemic proof local government operations by marrying transparency with public access. Our membership agrees that all public documents should be made available to a requestor and have supported several Public Information Act reforms in recent years.

However, we are concerned about the 2-day digital response timeline. The Public Information Act already compels a custodian to “grant or deny the application promptly” and “produce the public record immediately or withing a reasonable that is needed to retrieve the record.”

Given the circumstances of the pandemic, the current PIA guidelines would cover a small-town clerk who was out sick for several days. Under this bill, that town could be in violation of the Open Meetings Act. We do not believe that would be prudent or serve the public interest.

Therefore, the League respectfully requests those provisions to be struck or be amended to be handled in accordance with the Public Information Act so that our members have the consistency and flexibility to perform their duties in line with the well-established best

practices of the Maryland Public Information Act and ask this committee to provide HB 246 with a favorable report with these amendments.

**FOR MORE INFORMATION CONTACT:**

Scott A. Hancock  
Angelica Bailey  
Bill Jorch  
Justin Fiore

Executive Director  
Director, Government Relations  
Director, Research & Policy Analysis  
Manager, Government Relations

**Suggested Amendment Language for House Bill 76**  
(Based on 2021 compromise in the Senate with SB 841)

**Add:**

**Article - Tax - Property**

6-302.

(b) (1) Except as provided in subsection (c) of this section, §§ 6-305 and 6-306 of this subtitle and § 6-203 of this title:

(i) there shall be a single county property tax rate for all real property subject to county property tax except for operating real property described in § 8-109(c) of this article; [and]

(ii) the county tax rate applicable to personal property and the operating real property described in § 8-109(c) of this article shall be no more than 2.5 times the rate for real property; **AND**

**(III) THE COUNTY TAX RATE APPLICABLE TO SOLAR ENERGY PROPERTY PERSONAL PROPERTY THAT IS A COMMUNITY SOLAR ENERGY GENERATING SYSTEM DESCRIBED UNDER § 8-101(C) OF THIS ARTICLE MAY BE A DIFFERENT RATE FROM THE COUNTY TAX RATE APPLICABLE TO OTHER PERSONAL PROPERTY, SUBJECT TO THE LIMITATION UNDER ITEM (II) OF THIS PARAGRAPH.**

Replace 7-237 (C)(2) with:

**(2) THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION MAY EXEMPT, BY LAW, PERSONAL PROPERTY THAT IS A COMMUNITY SOLAR ENERGY GENERATING SYSTEM FROM THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IF THE PERSONAL PROPERTY IS:**

**(I) PART OF A COMMUNITY SOLAR ENERGY GENERATING SYSTEM THAT PROVIDES AT LEAST 50% OF THE ENERGY IT PRODUCES TO LOW- OR MODERATE-INCOME CUSTOMERS, AS DEFINED IN REGULATIONS OF THE PUBLIC SERVICE COMMISSION, AT A COST THAT IS AT LEAST 20% LESS THAN THE AMOUNT CHARGED BY THE ELECTRIC COMPANY THAT SERVES THE AREA WHERE THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM IS LOCATED; AND**

**(II) INSTALLED ON A ROOFTOP, PARKING FACILITY CANOPY, OR BROWNFIELD.**