

SB 328 - Board of Public Works Comment Act.pdf

Uploaded by: Casey Hunter

Position: FAV

February 8, 2023

Testimony on SB 328

Board of Public Works Comment Act

Budget & Taxation

Position: Favorable

Common Cause Maryland is in support of SB 328, which would improve the transparency, accountability, and accessibility of the Board of Public Works by allowing public comments to be submitted electronically, and requiring comments to be retained and made available to the public. The Board of Public Works has both enormous power and enormous responsibility, overseeing large state expenditures, funding for agencies, projects, and procurement contracts. The decisions of the Board have significant effects on the people of Maryland, yet those being impacted have little opportunity to make their voices heard.

As it stands, the official BPW website is a skeleton. To say that the information provided - particularly regarding Board meetings and public comments - is insufficient would be an understatement. Those wanting to weigh in on agenda items are told to send an email request, but are told upfront that being approved to speak doesn't guarantee you will get to do so. The current process asks citizens to step away from their responsibilities (work, children, personal needs,) travel to Annapolis, and wait for an unknown amount of time to speak to the Board. Alternatively, they may travel all that way just for the Board to skip discussion on the matter entirely. The current process discourages Marylanders from making their voices heard on consequential projects and expenditures – ones being funded by their taxpayer dollars. This process is not accessible, and sends the message that the Board doesn't truly value the input of its constituents.

SB 328 would affirm the voice of the public as critical to Maryland's highest administrative authority, holding the people's elected and appointed representatives accountable. It is vital that citizens be able to submit public comments on Board matters electronically, so that every Marylander can make their voice heard on the issues that impact them. It is also vital to preserve these comments and make them easily accessible for the public to view – a practice already being implemented successfully for General Assembly proceedings.

We strongly urge a favorable report.

SB0328 BPW Public Comment Act.pdf

Uploaded by: Dan Martin

Position: FAV



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Senate Bill 328 Board of Public Works Public Comment Act
Budget and Taxation Committee
February 8, 2023
Position: SUPPORT

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in support of Senate Bill 328.

SB 328 improves the Board of Public Works' (BPW) process for collecting public input. It requires BPW to collect public input electronically and requires that input to be posted online and included in meeting packets prepared for members of the Board.

Decisions made by BPW can have serious ramifications for Marylanders living with mental health and substance use disorders, as evidenced over the past three years by disruption in the delivery of public behavioral health services (PBHS) caused by Optum Maryland. Although BPW members questioned Optum's lack of experience, the Board in 2019 approved the Maryland Department of Health's (MDH) selection of Optum as the state's new PBHS administrator. The three years since that decision have been challenging, to say the least. Optum's IT system failed immediately, and years of chaos and uncertainty have followed.

Many in the behavioral health community were concerned about MDH's selection of Optum for a variety of reasons. Unfortunately, although behavioral health consumers, families, advocates and others bring a wealth of knowledge that could prove beneficial in consequential large-scale decisions like this, we were not permitted to participate on the MDH evaluation committee that assessed the various proposals submitted by interested vendors. The public's only opportunity to provide feedback regarding the selection was with BPW after it received the MDH recommendation. But unfortunately, there was no formal process for communicating these concerns or any assurance that these comments would be relayed to the Board members.

SB 328 will better ensure BPW members benefit from input by those who will be impacted by Board decisions. For this reason, MHAMD supports this bill and urges a favorable report.

For more information, please contact Dan Martin at (410) 978-8865

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Uploaded by: Dereck Davis

Position: FAV

Brooke Lierman
Comptroller

Wes Moore
Governor

Dereck Davis
Treasurer

Joint Testimony in Support of SB328
Board of Public Works Public Comment Act
Budget and Taxation, February 8, 2023

The Governor's Office, State Treasurer's Office and Comptroller's Office respectfully requests that the Committee give favorable consideration to Senate Bill 328, legislation that requires the Board of Public Works (BPW) to allow members of the public to electronically submit public comments on agenda items.

This legislation will enhance communication and transparency by codifying and formalizing the practice for public comment. Today, Marylanders relay feedback on important State business by different, disjointed, or often redundant channels. Some citizens e-mail BPW staff directly, while other citizens reach out to the Governor, Comptroller, and Treasurer jointly or separately through various means. Senate Bill 328 will help to streamline the process by setting up a system for receiving, distributing, posting, and retaining electronic communications meant for public comment. With information flowing more freely and clearly between the members and the public, Senate Bill 328 will provide greater transparency and opportunities for public engagement, and it will improve the way in which BPW functions.

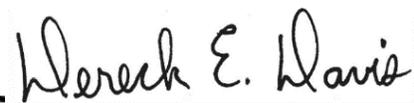
For these reasons, we request a favorable report on Senate Bill 328.



Brooke Lierman
Comptroller of Maryland



Wes Moore
Governor of Maryland



Dereck Davis
Maryland State Treasurer

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Uploaded by: Justin Hayes

Position: FAV

Brooke Lierman
Comptroller

Wes Moore
Governor

Dereck Davis
Treasurer

Joint Testimony in Support of SB328
Board of Public Works Public Comment Act
Budget and Taxation, February 8, 2023

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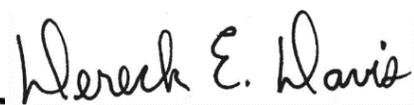
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Brooke Lierman
Comptroller of Maryland



Wes Moore
Governor of Maryland



Dereck Davis
Maryland State Treasurer

SB 328_MD Center on Economic Policy_FAV.pdf

Uploaded by: Kali Schumitz

Position: FAV

Facilitating Public Comment on Board of Public Works Actions Promotes Transparency and Inclusion

Position Statement in Support of Senate Bill 328

Given before the Senate Budget and Taxation Committee

Maryland's budget is the clearest reflection of our values and priorities as a state. A transparent and open budget process is critical to ensuring state spending reflects public priorities. **The Maryland Center on Economic Policy supports Senate Bill 328, which builds on other recent budget process reforms** that help the governor and legislature work more collaboratively, promote greater citizen involvement, and increase accountability.

The Board of Public Works (BPW) is able to make significant budget cuts that affect state services, employment, and the economy with little review by legislators or the public. It also has the important role of providing oversight for major state contracts.

A 2016 requirement to provide a minimum of three business days' notice of proposed budget cuts or other agenda items going before the BPW was an improvement over the past policy. However, without a defined public comment process, it is still very challenging for interested Marylanders to provide input on measures going before the Board.

SB 328 would require the Board to create an online system for the public to easily submit comments via the BPW website and would require that submitted comments be published as part of the board packet. The bill also allows a reasonable timeline to create such a system and provides funding for a staff position to help facilitate the public comment process.

While all of the BPW members are elected officials – directly elected in the case of the Governor and Comptroller and indirectly in the case of the Treasurer – the people holding these positions are not easily accessible to the general public by nature of the offices they hold, no matter their intentions. This gives outsized influence to professional lobbyists and others with a direct connection to a BPW member.

Creating a more accessible process for public comment via Senate Bill 328 is an opportunity to continue to increase the level of transparency, fairness and inclusion in the Maryland state budget process, building on actions of the last few years. And, it would give the members of the BPW greater insight into public perception of matters they are considering.

For these reasons, the Maryland Center on Economic Policy respectfully requests that the Budget and Taxation Committee give a favorable report to Senate Bill 328.

Equity Impact Analysis: Senate Bill 328

Bill Summary

Senate Bill 328 would require the Board of Public Works to create a system for online submission of public comments about items on the Board's agenda and would also publish submitted comments to the website. It would apply to BPW meetings starting in October 2024. The bill provides one staff person to facilitate the public comment process.

Background

The Maryland Constitution allows the Board of Public Works, composed of the governor, the comptroller and the state treasurer, to unilaterally reduce most appropriations by up to 25 percent. The board is also responsible for reviewing and providing oversight for major state contracts.

In calendar year 2020, BPW made more than \$400 million in budget cuts.

Equity Implications

Maryland's investments in essential services like education, health care, and transportation support our state economy and are especially vital for Marylanders who face economic roadblocks because of low income or the ongoing legacy of racist policy.

Ensuring adequate time for the public to consider budgetary actions will enable better understanding of the equity implications of proposed cuts or state contracts.

Impact

Senate Bill 328 would likely **improve racial, gender, and economic equity in Maryland.**

SB328-CBH-FAV.pdf

Uploaded by: Lori Doyle

Position: FAV



Testimony on SB 328
Board of Public Works Public Comment Act
Senate Budget and Taxation Committee
February 8, 2023
POSITION: SUPPORT

The Community Behavioral Health Association of Maryland (CBH) is the leading voice for community-based providers serving the mental health and addiction needs of vulnerable Marylanders. Our 110 members serve the majority of those accessing care through the public behavioral health system. CBH members provide outpatient and residential treatment for mental health and addiction-related disorders, day programs, case management, Assertive Community Treatment (ACT), employment supports, and crisis intervention.

Decisions made by the Board of Public Works can have serious ramifications for community behavioral health providers and the individuals we serve. However, providers are excluded from participation on the evaluation committees that assess the various proposals submitted by interested vendors. While providers bring a wealth of knowledge regarding the positives and negatives of vendor proposals, the only venue we have for sharing our expertise is with the BPW, after it has received the recommendation of the Maryland Department of Health (MDH). SB 328 would ensure that comments and concerns submitted by the provider community – and other impacted stakeholders - would be included in the BPW's meeting packets and also posted online in advance of the meeting, if at all possible.

For the past three years behavioral health providers have experienced significant financial harm and clinical disruptions as the result of MDH's choice of a lowball vendor, Optum Maryland, that has been unable to perform the basic authorization and claims payment functions required by their contract. The provider community was concerned about the choice of this vendor due to their bid coming in at \$70 million below that of the incumbent, but there was no formal process for communicating our concerns with the BPW nor any assurance that our concerns would be relayed to the BPW. Once these awards are made it is difficult – if not impossible – to change course and hire a competent vendor, so it is critically important that vendors are chosen carefully. We believe the BPW could make better informed decisions if they have access to input from affected parties.

We urge a favorable report for SB 328.

For more information contact Lori Doyle, Public Policy Director, at (410) 456-1127 or lori@mdcbh.org.

SB328_FAV_Hettleman.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
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Judicial Proceedings Committee

Joint Committee on Children, Youth,
and Families

Joint Committee on the Chesapeake
and Atlantic Coastal Bays Critical Area



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The Senate of Maryland

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TESTIMONY OF SENATOR SHELLY HETTLEMAN SB 328 BOARD OF PUBLIC WORKS PUBLIC COMMENT ACT

Government transparency is a hallmark of democracy. Transparency promotes accountability and provides information for citizens about what their government is doing for them. Public engagement enhances the Government's effectiveness and improves the quality of its decisions. SB 328 not only allows Marylanders to have a voice in the State's fiscal integrity, but it also ensures they will be heard by the highest elected officials in our State.

The Board of Public Works (BPW) is the highest administrative body in the Maryland state government.¹ The Board derives its ultimate authority from the state Constitution and is responsible for the expenditure of all capital appropriations and the superintendence of nearly all state public works projects.² This is done through semi-monthly meetings in which the Board members review and vote on a myriad of agency proposals.³

Over the past number of years, the General Assembly has taken some significant steps to open up the BPW process. In 2016, we required the Department of Budget and Management to post public notice of an appropriation reduction on its website (and to certain General Assembly committees) at least 3 business days before it may be approved by the BPW. Then, in 2021, we increased that notice time from 3 days to 7 calendar days and made other significant changes. In this bill, we build on that effort to increase the transparency and more directly open up the BPW process to the public.

Public comment is the citizens' chance to point out issues, offer alternatives, and help decision-makers identify solutions they may not have initially considered. The comment process in agency rulemaking and adjudication provides a chance for individuals—particularly those who are underrepresented because of their race, ethnicity, gender identity, resources, or other reasons—to participate actively in governance. Participation not only supports agencies but also more broadly fosters civic education and engagement.

This bill advances government transparency and public participation by:

- 1) Requiring BPW to set up a system to virtually accept written public comment on agenda items.
- 2) Mandating that public comments must be published on the BPW website at least 24 hours before the meeting.
- 3) Ensuring public comments are maintained indefinitely on the BPW's website.

¹ Alan M. Wilner (1984), *The Maryland Board of Public Works: A History*, retrieved from: <https://bpw.maryland.gov/Pages/about-bpw.aspx>

² Id.

³ Maryland Board of Public Works, *About BPW*, retrieved on February 1, 2023 from: <https://bpw.maryland.gov/Pages/about-bpw.aspx>

Now that a new Board is assembled with a new Governor, a new Comptroller, and a relatively new and diligent State Treasurer, Maryland can usher in a new era of government openness, accountability, and engagement. Marylanders are eager to be heard, and SB 398 gives our citizens a voice in the very important process of spending public funds.

I urge a favorable report on SB 328, and I thank you for your consideration.