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Judicial Proceedings Committee

Joint Committee on Children, Youth,
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Joint Committee on the Chesapeake
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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.