

Department of Legislative Services
 Maryland General Assembly
 2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 123 (Senator Feldman)
 Education, Health, and Environmental Affairs

Maryland Transportation Authority - Video Streaming and Archiving - Open Meetings

This bill requires the Maryland Transportation Authority (MDTA) to publicly stream, on the Internet, a live video of each open meeting that is held at (1) its headquarters or (2) any other location where it held at least 10 meetings during the immediately preceding calendar year. A complete and unedited archived video recording of any recorded meeting must be available to the public on the Internet for a minimum of four years after the date of the meeting. The Department of Information Technology (DoIT) must assist MDTA with streaming its meetings by providing technical staff, support, and equipment, as specified. The bill also expressly requires MDTA to prepare written minutes of each open meeting.

Fiscal Summary

State Effect: Nonbudgeted expenditures by MDTA increase by an estimated \$5,000 in FY 2021 only. Any future year expenditures are minimal and absorbable within existing resources. Revenues are not materially affected.

(in dollars)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Revenues	\$0	\$0	\$0	\$0	\$0
NonBud Exp.	5,000	0	0	0	0
Net Effect	(\$5,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Maryland Transportation Authority

Since 1971, MDTA has been responsible for constructing, managing, operating, and improving the State's toll facilities (for example, the Chesapeake Bay Bridge and Intercounty Connector) and for financing new revenue-producing transportation projects. MDTA is governed by nine individuals appointed by the Governor with the advice and consent of the Senate. The Secretary of Transportation serves as MDTA's chair.

MDTA has the authority to set tolls on transportation facilities projects under its supervision. Even so, prior to increasing any toll, fee, or other charge on any part of any transportation facilities project, MDTA must provide an opportunity for public review and comment on the proposed increase during at least one meeting in each county where the increase is proposed to be implemented. MDTA must publicize such a meeting in a specified manner at least 10 working days before the start of the first meeting. The public input collected must be provided to MDTA's board members in a specified manner. These and other meetings hosted by MDTA are subject to the Open Meetings Act.

Open Meetings Act

Under Maryland's Open Meetings Act, with limited exceptions, a public body must (1) meet in open session in locations reasonably accessible to potential attendees and (2) provide reasonable advance notice of the time and location of meetings, including, when appropriate, whether any portion of a meeting will be in closed session. A "public body" is any entity that (1) consists of at least two individuals and (2) is created by the Maryland Constitution; a State statute; a county or municipal charter; a memorandum of understanding or a master agreement to which a majority of the county boards of education and the Maryland State Department of Education are signatories; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from the definition of "public body" include juries, the Governor's cabinet and Executive Council, judicial nominating commissions, and single-member entities, among others.

As soon as practicable after an open session, a public body must prepare minutes of the meeting. The minutes must reflect each item that the public body considered, the action it took on each item, and each vote that was recorded. If a public body meets in closed session, the minutes for a public body's next open session must include a summary that includes specified information about the proceedings of the closed meeting. A public body need not prepare written minutes of an open session if (1) live and archived video or

audio streaming of the open session is available or (2) if the public body votes on legislation and the individual votes taken by each participating member of the public body are promptly posted on the Internet.

With limited exceptions, minutes of a public body must be available for public inspection during normal business hours. A public body must retain a copy of the minutes of each session and any specified recording for at least five years and, to the extent practicable, post them online.

Background: MDTA hosts board meetings at each of its eight transportation facilities, which are located throughout the State. In addition to board meetings, MDTA hosts other open meetings, such as National Environment Policy Act public meetings as well as meetings of the Bay Bridge Reconstruction Advisory Group.

State Expenditures: MDTA advises that, based on its current practice, the bill likely only requires the live streaming of meetings at its headquarters; MDTA does not generally have 10 or more meetings at any of its other meeting locations in any given year. Therefore, nonbudgeted expenditures by MDTA increase by an estimated \$5,000 in fiscal 2021 only to install the necessary recording equipment at its headquarters. Streaming and software licensing costs continue in future years; however, any such costs are minimal and absorbable within existing resources.

DoIT operations and finances are not materially affected.

MDTA can continue to prepare written minutes of its meetings using existing resources.

Additional Information

Prior Introductions: HB 21 of 2019 passed the House with amendments and received a hearing in the Senate Finance Committee, but no further action was taken.

Designated Cross File: HB 72 (Delegate Carr, *et al.*) - Health and Government Operations.

Information Source(s): Maryland Department of Transportation; Department of Information Technology; Department of Legislative Services

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md/lgc

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