

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 207 (The President, *et al.*) (By Request - Administration)
Education, Health, and Environmental Affairs

Transparency Act of 2019

This Administration bill requires the General Assembly to make available to the public live and archived video streaming of each meeting of the Senate, the House of Delegates, and each standing committee, including hearings and voting sessions of each standing committee.

Fiscal Summary

State Effect: General fund expenditures increase on a one-time basis in FY 2020 by at least \$500,000 for equipment and by an additional indeterminate amount for ongoing personnel costs beginning in FY 2020. These costs may be incurred even in the absence of the bill, as discussed below. Revenues are not affected.

Local Effect: None.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services (DLS) concurs with this assessment.

Analysis

Current Law/Background:

Streaming of General Assembly Meetings

Meetings of the House, the Senate, and standing committees are subject to the Open Meetings Act. Accordingly, these meetings are open to the public, and the time and

location of these meetings are published on the General Assembly's website. Live and archived video streaming of standing committee *hearings* is available to the public via the General Assembly's website. Live streaming of committee *voting sessions* is at the discretion of the committee chair; typically these meetings are not streamed. In addition, live and archived *audio* streams of House and Senate floor sessions are available to the public via the General Assembly's website. Neither chamber, however, is fully equipped for video streaming.

In January 2019, the Speaker of the House of Delegates announced plans to partner with Maryland Public Television (MPT) to begin offering live video streaming of floor sessions during the 2020 legislative session. However, the House has not yet finalized an arrangement with MPT. The Senate plans to initiate live video streaming of floor sessions beginning with the 2021 session.

DLS is responsible for developing, coordinating, supporting, and maintaining online services, technology, and information systems for the General Assembly.

Video Streaming of Legislative Proceedings in Other States

According to the National Conference of State Legislatures, 40 state legislatures plus the District of Columbia, as of March 2018, offer live video webcasts of the floor proceedings of each chamber; several more offer live video of one chamber. More than half of all states offer web access to archived video of floor proceedings.

Open Meetings Act

Under Maryland's Open Meetings Act, with limited exceptions, a "public body" must (1) provide reasonable advance notice of the time and location of meetings and (2) meet in open session in a location that is reasonably accessible to attendees. 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.

After an open session, a public body must, as soon as practicable, prepare minutes of the meeting. The minutes must reflect each item that the body considered, action taken on each item, and each vote that the body recorded. After a closed session, the minutes for a public body's next open session must include a summary with specified information about the

proceedings of the closed meeting. Minutes of each meeting must be made available to the public during normal business hours and retained by the public body for at least five years. A public body subject to the Open Meetings Act is not required to prepare written minutes of an open session if (1) live and archived video or audio streaming of the meeting is available or (2) if individual public votes on legislation taken by members of the public body are promptly posted on the Internet.

State Expenditures: As mentioned above, the House and the Senate plan to begin video streaming floor sessions in the 2020 and 2021 legislative sessions, respectively. Thus, the bill requires expenditures (for personnel for the House chamber and for equipment and personnel for the Senate chamber) that are planned to be spent even in the absence of the bill but have not been budgeted. Planned expenditures for the Senate chamber are accelerated to begin live streaming in fiscal 2020 rather than fiscal 2021.

Equipment and Installation Costs for the Senate Chamber

The bill requires approximately \$500,000 in general fund expenditures in fiscal 2020 for equipment installation in the Senate chamber. DLS advises that, before the Senate can video stream floor sessions, the General Assembly must install a new audio system in the Senate chamber at a cost of approximately \$500,000; a similar audio system was installed in the House chamber during the 2018 interim. As noted above, these costs may be incurred in the absence of the bill but likely not until fiscal 2021 (based on the Senate's current plan to begin video streaming in the 2021 session). Additional expenditures for the installation of a sound booth in the Senate chamber, which the House chamber also already has, may also be incurred earlier than anticipated in order to begin streaming during the 2020 session.

Any additional equipment and installation costs are likely negligible. Digital storage equipment currently owned by DLS is sufficient to accommodate the bill's requirements. The bill's addition of streamed and archived committee *voting* sessions may require additional digital storage equipment in the future. However, any such costs are not expected to be significant.

Personnel Costs Associated with Video Streaming Floor Sessions in Both Chambers

Live streaming and archiving floor sessions also requires personnel to (1) manage the cameras and (2) index and archive the footage. Such personnel will be provided either by DLS or, if an agreement is finalized, by MPT. Estimates of the annual cost of providing sufficient personnel to carry out these tasks in *both chambers* range from approximately \$150,000 for DLS to \$260,000 for MPT. Although the House chamber anticipates video streaming beginning in the 2020 session, thus incurring related personnel costs even in the absence of the bill, those costs are not budgeted. Because the Senate chamber does not anticipate video streaming until the 2021 session, personnel costs related to that chamber

are incurred beginning a year earlier (for the 2020 session) than currently anticipated as a result of the bill.

Additional Information

Prior Introductions: SB 295 of 2018 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HB 352, received an unfavorable report from the House Rules and Executive Nominations Committee. Similar bills were introduced in the 2016 and 2017 sessions.

Cross File: HB 232 (The Speaker, *et al.*) (By Request - Administration) - Rules and Executive Nominations.

Information Source(s): Maryland Public Television; National Conference of State Legislatures; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2019
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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: **Transparency Act of 2019**

BILL NUMBER: SB207/HB232

PREPARED BY: Governor’s Legislative Office

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS