

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 644

(Senators Ferguson and Madaleno)

Education, Health, and Environmental Affairs

Health and Government Operations

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**State Government - Transparency and Open Government**

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This bill establishes a Joint Committee on Transparency and Open Government within the General Assembly to provide continuing legislative oversight regarding transparency and open government, and to recommend initiatives that increase citizen access to government resources, publications, and actions. The Department of Legislative Services (DLS) must provide staff assistance to the joint committee. The bill also specifies that a public body subject to the Open Meetings Act does not need to 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 individual public votes on legislation taken by members of the public body are posted promptly on the Internet.

The bill takes effect June 1, 2011.

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**Fiscal Summary**

**State Effect:** None. DLS can staff the joint committee with existing budgeted resources. The bill's changes to the Open Meetings Act do not materially affect State operations or finances.

**Local Effect:** The bill's changes do not materially affect local operations or finances.

**Small Business Effect:** None.

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## **Analysis**

**Bill Summary:** The joint committee must hold an organizational meeting promptly after the appointment of its members and any other meetings that the committee considers necessary.

The joint committee is charged with numerous tasks, including, among others:

- identifying areas in which the State can improve its technology and websites to increase transparency and citizen engagement;
- making recommendations regarding State transparency goals and policies;
- consulting with State entities that foster transparency;
- reviewing State laws, programs, services, and policies and making recommendations to align them with State transparency policies and goals;
- surveying transparency initiatives in other states; and
- recommending methods of increasing public awareness of government resources, publications, and websites.

The joint committee is authorized to hold hearings and to consider a vote on a bill or resolution referred to it by the presiding officers.

The joint committee must report annually by December 1 to the General Assembly on its work and recommendations.

**Current Law/Background:** During the 2010 and 2011 legislative session, the Maryland General Assembly upgraded its website to include committee voting records on each bill that is voted on, live and archived video streaming of House of Delegate committee hearings, and live and archived audio streaming of Maryland Senate committee hearings. In addition, the Board of Public Works began transmitting live and archived streaming of its meetings. The General Assembly website already carried live and archived audio streaming of floor sessions of both houses of the legislature. Also, the General Assembly began offering “up-to-the-minute” service free of charge to the public, which provides real-time bill status updates; previously, that service had only been available for an annual fee of \$800.

The Open Meetings Act defines a public body as an entity that consists of at least two individuals and is created by:

- the Maryland Constitution;
- a State statute;

- a county or municipal charter;
- an ordinance;
- a rule, resolution, or bylaw;
- an executive order of the Governor; or
- an executive order of the chief executive authority of a political subdivision of the State.

As soon as practicable after each meeting, a public body must prepare written 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. Minutes of each meeting must be made available to the public during normal business hours, and must be retained by the public body for at least one year. These requirements do not require any change in form or content of the journals of either the House of Delegates or the Senate, nor do they limit the matters that a public body may include in its minutes.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 766 (Delegate Mizeur, *et al.*) - Health and Government Operations.

**Information Source(s):** Department of Legislative Services

**Fiscal Note History:** First Reader - March 7, 2011  
ncs/lgc Revised - Enrolled Bill - May 4, 2011

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