

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 352 (The Speaker, *et al.*) (By Request - Administration)
 Rules and Executive Nominations

Transparency Act of 2018

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

Fiscal Summary

State Effect: General fund expenditures increase by an estimated \$1.1 million in FY 2019. Future year expenditures reflect annualization and elimination of one-time costs. Revenues are not affected.

(in dollars)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1,140,000	200,300	205,100	211,000	217,100
Net Effect	(\$1,140,000)	(\$200,300)	(\$205,100)	(\$211,000)	(\$217,100)

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

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:

Department of Legislative Services

DLS is required to develop, coordinate, support, and maintain computer services and information systems for the General Assembly. It must provide computer training for General Assembly employees and plan for the future information systems needs of the General Assembly.

All floor sessions and standing committee meetings in both the Senate and the House of Delegates are subject to the Open Meetings Act. Thus, they are open to the public and committee meetings are published in the General Assembly's hearing schedule. Live and archived video streaming is available for all standing committee meetings of the House of Delegates and the Senate. Standing committees do not currently stream video of voting sessions, however. In addition, while live and archived *audio* streaming is available for floor sessions of both chambers, neither chamber is equipped with video-streaming equipment. All live and archived video and audio are available on the General Assembly website.

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, including whether any portion of the meeting will be in closed session 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.

As soon as practicable after each 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 meeting 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. 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 five years.

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.

Streaming Live Video in Other States

According to the National Conference of State Legislatures, as of November 2017, 40 state legislatures stream live video of floor proceedings in *both* chambers, including Virginia and West Virginia (this count also includes Nebraska, a unicameral legislature). Additional states stream live video in one chamber, and 34 legislatures stream live video of some or all standing committee hearings.

State Expenditures: Neither the House nor Senate chambers are equipped with the equipment and technology necessary to stream and archive live video of floor sessions. The Office of Information Systems within DLS advises that skilled technicians are required to operate the video streaming equipment, once installed, and that such personnel likely could not be hired on a contractual basis to operate the equipment only during the 90-day legislative session. Therefore, this estimate assumes that two regular full-time technicians are needed; when the legislature is not in session, they can provide additional technical support for interim meetings and computer support for members and staff of the General Assembly. The analysis also assumes that they are assisted by two contractual technicians who work only during the 90-day session and provide backup support.

Therefore, general fund expenditures for DLS increase by an estimated \$1,139,997 in fiscal 2019, which accounts for the bill's October 1, 2018 effective date. This estimate reflects the cost of hiring two full-time audiovisual technicians and two contractual technicians to operate video cameras and microphones in the two chambers, as described above. It includes salaries, fringe benefits, one-time start-up costs to add video recording capability to the two chambers (including costs for microphones, video cameras, wiring, hardware, and installation), and ongoing operating expenses. The estimate assumes that DLS can provide video streaming of committee voting sessions with existing resources.

Regular Positions	2
Contractual Positions	2
Regular Salaries and Fringe Benefits	\$105,444
Contractual Salaries and Fringe Benefits	13,118
Equipment and Installation	1,000,000
Other Operating Expenses	<u>21,435</u>
Total FY 2019 State Expenditures	\$1,139,997

Future year expenditures reflect full salaries with annual increases and employee turnover and ongoing operating expenses, including \$40,000 annually for ongoing maintenance of the equipment.

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State's implementation of the federal Patient Protection and Affordable Care Act.

DLS notes that costs could be higher if additional modifications to the chambers are required by the State House Trust. The trust, which was created in 1969 to oversee the area inside State Circle in Annapolis, is responsible for:

- the restoration and preservation of the State House; and
- the approval and supervision of any proposed repair, improvement, or other change to the State House or to any other building within State Circle, including any change to the furnishings or fixtures of those buildings or proposed landscaping of the grounds of those buildings.

Additional Information

Prior Introductions: HB 933 of 2017, a similar bill, received a hearing in the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: SB 295 (The President, *et al.*) (By Request - Administration) - Education, Health, and Environmental Affairs.

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

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Transparency Act of 2018

BILL NUMBER: SB0295/HB0352

PREPARED BY: Melissa Ross

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