

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 21

(Delegate Carr, *et al.*)

Health and Government Operations

Finance

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 \$26,200 in FY 2020 only. Future year expenditures are minimal and absorbable within existing resources. Revenues are not materially affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
NonBud Exp.	26,200	0	0	0	0
Net Effect	(\$26,200)	\$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) 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" (and therefore the Open Meetings Act) include juries, the Governor's cabinet and Executive Council, judicial nominating commissions, and single-member entities, among others.

Generally, minutes must be prepared and made public after each public meeting; however, a public body 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) individual public votes on legislation taken by members of the public body are posted promptly on the Internet.

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 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 \$26,200 in fiscal 2020 only to install the necessary recording equipment at its headquarters. The estimate is based on information provided to MDTA by DoIT and includes cameras, microphones, and a one-time installation fee. 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: None.

Cross File: None.

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

Fiscal Note History: First Reader - January 14, 2019
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