

# **Sen. Kagn SB363\_ Open Meetings Act - Testimony**

Uploaded by: Senator Kagan, Senator Kagan

Position: FAV

CHERYL C. KAGAN  
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Education, Health, and  
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Joint Audit Committee  
Joint Committee on Federal Relations



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**SB363: Maryland State Agency Transparency Act**  
**Education, Health, and Environmental Affairs Committee**  
**Hearing: Thursday, February 13, 2020, at 1:00pm**

The world is moving towards greater accountability through live-streaming and an increased Internet presence. In recent years, some government entities have taken steps to strengthen transparency; post more information; and provide live-streaming at selected public entities. This bill would expand greater accessibility to the following agencies:

- Emergency Number Systems Board (ENSB -- the 9-1-1 Trust Fund);
- Maryland Stadium Authority;
- Maryland Technology Development Corporation (TEDCO);
- Maryland Transportation Authority (MDTA);
- Public Service Commission (PSC); and
- State Board of Elections (SBE)
  - Conforming SB184 from 2019.

These agencies have significant budgets and an outsized impact on our State's well-being and economy. There is variation in the language of existing laws; SB363 would establish consistency by requiring the specified agencies to:

- Post meeting agendas online at least 48 hours in advance;
- Provide live-streaming of public portions of the meeting; and,
- Share meeting minutes online within two business days of approval.

Technological advancements have facilitated the sharing of live video, making implementation easier for State agencies. In recent years, more and more agencies are becoming more accessible to the public. Examples of other entities that already live stream their meetings:

- Maryland State Department of Education;
- Maryland Board of Public Works; and
- State Board of Elections.

Posting agendas 48 hours in advance would not preclude new business items from being added in an emergency. Agencies would still be able to enter into executive session without having to live-stream confidential business. This legislation would increase transparency and allow the public to access State government, regardless of the meetings' locations.

**Amendment:** After reviewing SB123 by Senator Feldman, which would require transparency at the MDTA, I will be proposing an amendment to specify that the six agencies maintain the video online for at least five years.

I urge a favorable report on SB363.

# **MDDC Support SB 363**

Uploaded by: snyder, rebecca

Position: FAV



**Maryland | Delaware | DC Press Association**

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**To:** Education, Health & Environmental Affairs Committee  
**From:** Rebecca Snyder, Executive Director, MDDC Press Association  
**Date:** February 13, 2020  
**Re:** **SB 363 – Support**

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of media organizations, from large metro dailies such as the Washington Post and the Baltimore Sun, to publications such as The Daily Record and online only outlets such as Maryland Matters and Baltimore Brew.

The Press Association supports SB 363, which would require that the Maryland Technology Development Corporation, Maryland Stadium Authority, State Board of Elections, Emergency Number Systems Board in DPSCS, Public Service Commission, and Maryland Transportation Authority post on their website agendas at least 48 hours in advance, barring unforeseen circumstances, meeting minutes promptly and livestream the portions of their meetings that are in open session.

These are commonsense, achievable actions that these public bodies can take to provide greater transparency and access to the public. The government bodies affected in this bill wield tremendous influence over the lives of Marylanders and often operate without much public input.

Transparency is important to democracy's function. Citizens should have access to the deliberations and meetings of public bodies. This bill allows citizens to more fully engage with the process and provides convenience and accessibility for reporters, who may wish to cover the meetings but are unable to physically go to the meeting.

The Press Association encourages a favorable report on SB 363.



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# **ACLU\_Spielberger\_FAV\_SB0363**

Uploaded by: Spielberg, Joe

Position: FAV



**Testimony for the Senate Health, Education, and Environmental  
Affairs Committee  
February 13, 2020**

JOSEPH SPIELBERGER  
PUBLIC POLICY COUNSEL

**SB 363 – State Government – Open Meetings – Requirements and  
Application of Open Meetings Act  
(Maryland State Agency Transparency Act)**

**FAVORABLE**

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PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland supports SB 363, which would require certain state agencies to (1) livestream open meetings, (2) make meeting agendas publicly available 48 hours in advance, and (3) make meeting minutes publicly available not more than two business days after they are approved.

The agencies included in this bill are:

- Maryland Technology Development Corporation,
- Maryland Stadium Authority,
- State Board of Elections,
- Emergency Number Systems Board in the Department of Public Correctional Services,
- Public Service Commission, and
- Maryland Transportation Authority.

Under Maryland's Open Meetings Act:

- a) It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances:
  1. public business be performed in an open and public manner; and
  2. citizens be allowed to observe:
    - i. the performance of public officials; and
    - ii. the deliberations and decisions that the making of public policy involves.<sup>1</sup>

The public has great interest in the business conducted by these agencies. However, it is often inconvenient and burdensome for members of the public to regularly attend agency meetings, because of timing, mobility challenges, lack of transportation, and other barriers. The public has the right to stay apprised of state government activities, including observing discussions and the decision-making process.

<sup>1</sup> Md. Code Ann., State Gov't § 10-501 (West).

Transparency is a valuable tool for ensuring civic participation and government accountability. Other state government bodies, including the Maryland General Assembly, already live stream their hearings and meetings, and make information publicly accessible. All state agencies should be held to the same standards of openness and transparency.

SB 363 is an important step toward making Maryland State Government more accessible to residents across the state, increasing trust in fair governance.

For the foregoing reasons, we urge a favorable report on SB 363.



JOSEPH SPIELBERGER  
PUBLIC POLICY COUNSEL

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**CCMD\_Tierra Bradford\_FWA\_SB0363**

Uploaded by: Bradford, Tierra

Position: FWA

February 13, 2020

**Testimony on SB 363****State Government - Open Meetings - Requirements and Application of Open Meetings Act (Maryland State Agency Transparency Act)  
Education, Health, and Environmental Affairs****Position: Favorable w/ Amendments**

Common Cause Maryland support SB 363 which would significantly increase access to and the efficiency of several State agencies meeting processes by requiring that meeting agendas and minutes be made available online. Also, that meetings be made publicly available by live stream.

Streaming video and online access to meeting materials are easy and efficient ways to enhance Marylanders' access to agencies throughout the State. This access and transparency is particularly necessary for agencies like the Maryland Transportation Authority (MDTA) who is responsible for constructing, managing, operating and improving the State's toll facilities, as well as for financing new revenue producing transportation projects. Also, agencies like the State Board of Elections (SBE) who oversee the process most fundamental to our democracy: elections. As MDTA continues to announce new projects and SBE prepares for upcoming elections, it is important that Marylanders are able to have access to meetings where decision made will impact them and their communities.

For too many citizens, the work done by MDTA and SBE is a distant and often undecipherable series of activities. Many Marylanders are unable to go to meeting locations in person but have a strongly vested interest in the policies and decisions being made by these agencies. For those who can attend meetings, they are often don't have access to meeting agendas and at times travel only to be met with closed sessions.

As technology makes information in all its forms more readily available, Maryland should continue seeking ways to utilize these technologies to increase accessibility to information across the state. The technology to live-stream is inexpensive, widespread, and allows all Marylanders to participate. We recommend the committee also consider requiring agencies archive this video footage for at least one year. Activities in the form of written meeting minutes is simply not open and transparent enough. An archive would ensure those who are unable to watch the live stream have access to the footage.

Because SB 363 would vastly increase Marylanders' access to the open meetings of the Maryland agencies, we urge the committee to report favorably.

# **DPSCS\_Scott Roper\_INFO\_SB0363**

Uploaded by: roper, scott

Position: INFO

MARYLAND

9-1-1

EMERGENCY  
NUMBER SYSTEMS BOARD

STATE OF MARYLAND

LAWRENCE J HOGAN, JR.  
GOVERNOR

BOYD K. RUTHERFORD  
LT. GOVERNOR

ROBERT L. GREEN  
SECRETARY

CHRISTOPHER McCULLY  
DEPUTY SECRETARY  
ADMINISTRATION

ANTHONY MYERS  
CHAIRMAN

SCOTT ROPER  
EXECUTIVE DIRECTOR

JUMARY WEST  
FISCAL COORDINATOR

## Department of Public Safety and Correctional Services

### Emergency Number Systems Board

300 East Joppa Road – Suite 1000, Towson, Maryland 21286-3068  
(410) 339-6383 • FAX (410) 339-6306 • www.dpssc.state.md.us/ensb/

February 10, 2020

The Honorable Paul J. Pinsky, Chair  
Senate Education, Health, and  
Environmental Affairs Committee  
2 West  
Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: Senate Bill 363 - State Government – Open Meetings – Requirements and Application of Open Meetings Act (Maryland State Agency Transparency Act)**

Dear Senator Pinsky and Committee Members:

The Maryland Emergency Number Systems Board (ENSB or Board) was created to provide stewardship of Maryland's 9-1-1 Trust Fund, and to provide oversight to Maryland's 9-1-1 system. This includes reviewing and approving/disapproving county 9-1-1 plans and requests for funding for 9-1-1 system enhancements. The Board meets monthly in public session to consider these requests, and also in its established subcommittees.

Many of the county requests for 9-1-1 system enhancement funding include network design, cyber-security, physical security and other requests that help to prevent or mitigate 9-1-1 service disruptions. The Board also, through its process, examines 9-1-1 system disruptions and service affecting issues that describe vulnerabilities in the 9-1-1 system that could be exploited in order to learn from those events to prevent them from reoccurring. Through this process, the Board has strengthened the reliability and resiliency of Maryland's 9-1-1 system. These discussions permeate the entirety of each public meeting.

While today's meetings are open to the public, the Board is aware of who is in the room during these discussions. With the live streaming of meetings on the ENSB website, anyone may have access to the discussion regarding network design, security and vulnerabilities that could be exploited. Due to the nature of the Board's conversations, much of its business may need to be conducted in closed session (for public security reasons), thereby disallowing the public access to these meetings.

If you have any questions, or if I can provide further assistance, please do not hesitate to contact me at (410) 339 – 6305.

Sincerely,

*Scott G. Roper*  
Executive Director

**TEDCO\_Jody Sprinkle\_INFO\_SB0363**

Uploaded by: SPRINKLE, JODY

Position: INFO



**LEADING INNOVATION TO MARKET**

**DATE:** February 13, 2020      **COMMITTEE:** Senate Education, Health,  
and Environmental  
Affairs

**BILL NO**      **SB 363**

**TITLE:**      **State Government – Open Meetings – Requirements and  
Application of Open Meetings Act (Maryland State Transparency  
Act)**

**POSITION:**      **Letter of Information**

The Maryland Technology Development Corporation (TEDCO) supports efforts to foster the transparency and accountability of public entities. This bill would strike TEDCO's exemption from provisions of the Open Meetings Act and would require Board of Directors' meetings to be publicly available through live streaming. The bill also requires that TEDCO make publicly available on its website each open meeting agenda at least 48 hours in advance of each meeting; unless that meeting is held due to unforeseen circumstances.

TEDCO is mindful of its responsibilities as a steward of public funds. To that end, TEDCO is supportive of increased transparency and accountability. Those appointed to the Board of Directors of TEDCO are dedicated to the success of the organization and are committed to the public mission of enhancing economic development growth through the fostering of an inclusive entrepreneurial and innovation ecosystem. Each year, TEDCO and its Board provide extensive data about its activities, investments, operations, staffing, and funding through a variety of means that are accessible to the public. Chapter 487 and 488 of 2019 added additional reporting requirements including quarterly reporting on each investment in a qualified business and job data about each qualified business. Currently, TEDCO makes available board meeting minutes and is subject to public information act requests. The board believes that full participation of the public and our stakeholders in the innovation ecosystem is essential to that mission.

In full support of transparency, TEDCO is designed to be a quasi-public entity that is both a responsible public steward and a responsive partner to the private sector. TEDCO is quite a small organization and the operational obligations of the bill may divert existing staff and resources away from programmatic tasks and core mission. The subject matter of a significant portion of each board meeting relates to investments, legal advice, contract negotiations or other matters allowable under closed sessions under the Open Meetings Act. It is unclear how useful live streaming would be under these circumstances, and we welcome the opportunity to collaborate on meaningful ways to continue to provide transparency and accountability.