

**Maryland General Assembly
Joint Committee on Legislative Information Technology
and Open Government
2015 Interim
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THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991

Joint Committee on Legislative Information Technology and Open Government

December 1, 2015

The Honorable Thomas V. Mike Miller, Jr., Co-chairman
The Honorable Michael E. Busch, Co-chairman
Members of the Legislative Policy Committee

Ladies and Gentlemen:

The Joint Committee on Legislative Information Technology and Open Government respectfully submits its 2015 interim activities report. The joint committee met twice during the 2015 interim and its work is summarized below.

Council on Open Data

On September 8, 2015, Barney Krucoff, Geographic Information Officer for the Department of Information Technology, briefed the joint committee on the Maryland Council on Open Data. Mr. Krucoff described the background, membership, and duties of the council, which was established to promote the State policy that “open data be machine readable and released to the public in ways that make the data easy to find, accessible, and usable, including through the use of open data portals.” He also described the State’s two central open data portals, which provide access to alphanumeric data (data.maryland.gov) and mapping and geographic data (imap.maryland.gov). He explained that the council’s focus is on regularly created or maintained databases rather than documents, described the exceptions to the general policy of making all data open, shared lists of the most frequently accessed datasets, and shared examples of entrepreneurial and nonprofit uses of the data.

In addition, Mr. Krucoff described the results of Chapter 149 of 2015, which was based on recommendations in the council’s January 2015 report. He explained that the bill facilitated public access to geographic data and made it easier for the State to compile data from local governments. Regarding other recommendations in the 2015 report, the council is continuing to work on increasing the amount and type of data available through the central portals; assisting other entities in converting data to machine-readable format; balancing the interest in conducting an annual data inventory with security concerns, including notices of public meetings in a central online calendar; and linking the two central data portals. Mr. Krucoff noted that the council has discussed, but is not ready to make a recommendation on, whether Maryland Public Information Act (PIA) requests should be tracked in a statewide database. Finally, he stated that he does not know whether the council will recommend any new legislation in its January 2016 report.

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In response to a question, Mr. Krucoff explained that the accessibility of data to blind individuals varies because some exceptions are made for maps that are recognized as inherently visual material. Regarding readability on mobile devices, Mr. Krucoff noted that the majority of users employ mobile devices to access State websites, and significant efforts have been made to update the mapping websites, which were based on outdated technology.

Office of Information Systems Projects

On November 3, 2015, Michael Gaudiello, Director of the Office of Information Systems (OIS) in the Department of Legislative Services, briefed the joint committee on the status of ongoing and new OIS projects. He described OIS efforts to upgrade the front desk calendaring system, the front desk messaging/conference committee application, the network infrastructure (LAN and wireless) throughout the campus, the fiscal and policy notes system, and the audio/visual infrastructure used for live streaming and recording committee meetings in the Senate and House office buildings. OIS has also automated and streamlined many of the processes involved in the review of proposed regulations by the Joint Committee on Administrative, Executive, and Legislative Review. OIS continues to replace member floor laptops on a three-year cycle and performs annual hardware and software upgrades to the desktops and laptops used by members and staff. In addition, OIS continues to offer in-house training for members and staff. Mr. Gaudiello provided the joint committee with a description of the workshops that will be offered during the 2016 session.

Additionally, Mr. Gaudiello explained that OIS is continuing the front desk modernization project with the rewriting of the proceeding and journal applications to incorporate modern technologies and improve the accuracy and timeliness of recording floor actions. Due to the large and complex nature of these applications, OIS anticipates the changes will be available for the 2017 session. OIS also plans to roll out the latest windows operating system, Windows 10, during the 2016 interim. In addition, OIS would like to use a more modern application for tracking constituent contact in order to support a broader array of devices and “available anywhere” technology. Finally, OIS is developing a web-based version of the floor system because the current application was developed on technology that will be difficult to support with the Windows 10 operating system. The new approach will allow the floor system to run on a variety of devices, including laptops and tablets.

In response to questions, Mr. Gaudiello stated that OIS will find a way to transfer the notes that are currently maintained on a member’s laptop to the new system. Regarding using a mobile phone with the new constituent services system, he noted that it is early in the process, but the product is capable of supporting some mobile phone use. Concerning training for new members, Mr. Gaudiello stated that in addition to offering standard classes, OIS is available to assist with individual office set up and server and file training.

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2015 Amendments to the PIA

Also at the November 3, 2015 meeting, Adam Snyder, Chief Counsel for the Opinions and Advice Division of the Office of the Attorney General, briefed the joint committee on the 2015 amendments to the PIA. Mr. Snyder focused on Chapter 135 of 2015, which he described as making the most far-reaching changes of the three bills that affect the implementation of the PIA. He explained that Chapter 135 makes it easier for requestors to obtain review of agency decisions and expands the information an agency must provide to a requestor.

More specifically, Mr. Snyder explained that Chapter 135 repealed a requestor's option to seek administrative review of an agency action, but substituted two alternative paths: the PIA Compliance Board and the Public Access Ombudsman. The PIA Compliance Board has jurisdiction when the fee charged exceeds \$350. The compliance board uses a streamlined review process, can order an agency to refund a portion of the fee charged, and issues decisions that are subject to judicial review. He described the membership of the compliance board and noted that the Governor's Office has begun the appointment process. He then explained that the Public Access Ombudsman, a new office within the Attorney General's Office, will act as a mediator in any dispute about the implementation of the PIA. However, although Chapter 135 stated that the ombudsman would be provided a salary as provided in the budget, the budget did not provide for the position or a salary. As a result, the Attorney General's Office has been working with the Department of Budget and Management to find the funding and a position in the budget and expects to be able to move forward with the advertising process soon.

Mr. Snyder noted that other provisions require an agency to provide a 10-day notice letter containing specified information and additional information about the basis for a decision to deny a request. The amendments also provide new guidance on the calculation of fees and allow an agency to waive a fee if the requestor is indigent. The Attorney General's Office, working with other stakeholders, must submit interim and final reports on the effect of the implementation of the provisions. Finally, Mr. Snyder noted that the Attorney General's Office has been conducting training on the new provisions.

Transparency in Decision Making

The joint committee heard testimony from three additional individuals on November 3, 2015. Jennifer Bevan-Dangel, Executive Director of Common Cause Maryland, who was also speaking on behalf of Marylanders for Open Government, a coalition of 35 organizations, presented first. Noting that Maryland has historically scored very poorly on transparency reports, she thanked the General Assembly for the significant reforms to the PIA, the Maryland General Assembly website, and providing live streaming. She suggested that opportunities to continue to move forward include allowing other governmental units to use the

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rooms that are equipped for live streaming, requiring agencies to make agendas and handouts available at the beginning of meetings, and making additional changes to the Open Meetings Act. Ms. Bevan-Dangel told the joint committee that stakeholders have not yet seen a shift in agency responsiveness to PIA requests. Regarding agency decision making, she advocated increased oversight and use of metrics and outcome-based standards, particularly in the context of procurement and significant transportation investments.

Brian O'Malley, President of Central Maryland Transportation Alliance, testified on the need for better transparency in transportation spending decisions. He explained that even though 2010 legislation imposed accountability, predictability, and outcome-based analysis requirements, additional provisions requiring a comparison of project benefits are necessary. He also advocated providing data in a more usable form and requiring the *Consolidated Transportation Program* to specify the amount of State funding programmed for each project.

Richard Hall, Executive Director of Citizens Planning and Housing Association, also focused on the need for more transparency and public engagement in transportation decisions. He expressed concern that the analysis underlying recent revisions to State transportation priorities was not made public and advocated changing the transportation funding decision process to include clear goals and measures. In response to a question, he noted that several other states have laws establishing more transparent processes, including Virginia, Delaware, Massachusetts, California, Oregon, Washington, Louisiana, Illinois, and North Carolina.

Potential Topics for Consideration

During the September 8, 2015 meeting, members of the joint committee suggested topics for future consideration, including decreasing the General Assembly's use of paper and substituting electronic access to more documents, business plan coverage of personal phones, and tracking of procurement data.

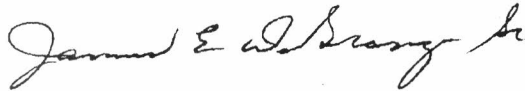
Public Comment

Additionally, at the September 8, 2015 meeting, the joint committee heard public testimony. Jim Snider of iSolon.org. expressed his concern about the transparency of government officials' emails. He opined that the State should have an email and calendar retention policy and impose penalties when emails or calendar entries are deleted in response to a PIA request. Mr. Snider also expressed his continuing concern that legislative roll call votes are not accessible in machine-readable form or by legislator. In addition, he contended that the State should make budget data available in machine-readable form, with enough metadata to make it usable. He explained that information about the underlying structure of data that has been made publicly available is necessary in order for the data to be usable.

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The joint committee appreciates the advice and assistance of the private citizens and public officials who participated in the joint committee's activities during the 2015 interim. We also wish to thank the staff of the Department of Legislative Services for their assistance.

Respectfully submitted,



James E. DeGrange, Sr.
Senate Co-chair



Luke Clippinger
House Co-chair

JED:LC/KHS/mpd

cc: Mr. Warren G. Deschenaux
Ms. Lynne B. Porter