

SENATE BILL 323

L5

11r0016

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Transportation)**

Introduced and read first time: February 2, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Transit Commission – Membership Qualifications,**
3 **Restrictions, and Reporting Responsibilities**

4 FOR the purpose of requiring that gubernatorial appointees to the Washington
5 Suburban Transit Commission meet certain qualifications and requirements;
6 providing that certain commissioners of the Washington Suburban Transit
7 Commission are subject to the restrictions and requirements of the Maryland
8 Public Ethics Law; requiring certain members to file certain financial disclosure
9 statements with the State Ethics Commission; providing for the application of
10 certain provisions of this Act; and generally relating to the Washington
11 Suburban Transit Commission.

12 BY repealing and reenacting, without amendments,
13 The Public Local Laws of Montgomery County
14 Section 87–1(b)
15 Article 16 – Public Local Laws of Maryland
16 (2004 Edition and December 2010 Supplement, as amended)

17 BY repealing and reenacting, with amendments,
18 The Public Local Laws of Montgomery County
19 Section 87–5(a) and 87–10
20 Article 16 – Public Local Laws of Maryland
21 (2004 Edition and December 2010 Supplement, as amended)

22 BY repealing and reenacting, without amendments,
23 The Public Local Laws of Prince George’s County
24 Part III, Section 1(b)
25 Article 17 – Public Local Laws of Maryland
26 (2003 Edition and 2005 Supplement, as amended)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 The Public Local Laws of Prince George's County
3 Part III, Section 5(a) and 10
4 Article 17 – Public Local Laws of Maryland
5 (2003 Edition and 2005 Supplement, as amended)

6 BY repealing and reenacting, with amendments,
7 Article – State Government
8 Section 15–820
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2010 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article 16 – Montgomery County**

14 87–1.

15 (b) The General Assembly finds that, due to the interest of the state in
16 transportation facilities in the Washington Metropolitan Area, and due to the
17 substantial level of state financial support for transportation facilities and operations
18 provided to the commission under §§ 10–205 and 10–207 of the Transportation Article,
19 Annotated Code of Maryland, and the substantial level of support through the
20 commission to the Washington Metropolitan Area Transit Authority, it is in the state's
21 interest to alter the composition of the Washington Suburban Transit Commission to
22 require that the governor make certain appointments to the commission and that the
23 governor's appointees serve as the commission's principal representatives on the
24 Washington Metropolitan Area Transit Authority board of directors and that the
25 state's interests are appropriately represented in commission decisions.

26 87–5.

27 (a) (1) The commission consists of 7 members.

28 (2) The county executive of Montgomery County shall appoint 2
29 members, subject to the confirmation of the Montgomery County Council.

30 (3) The county executive of Prince George's County shall appoint 2
31 members, subject to the confirmation of the Prince George's County Council.

32 (4) (i) The governor shall appoint 2 members with the advice and
33 consent of the senate of Maryland. One member shall be a resident of Montgomery
34 County and one member shall be a resident of Prince George's County.

35 (ii) The governor's appointees [shall]:

1 1. **SHALL** serve as the commission's appointees to the
2 Washington Metropolitan Area Transit Authority Board of Directors;

3 2. **MAY NOT HOLD ANY ELECTED OFFICE IN**
4 **FEDERAL, STATE, OR COUNTY GOVERNMENT AT ANY TIME DURING THE TERM OF**
5 **THEIR APPOINTMENT;**

6 3. **MAY NOT HAVE BEEN EMPLOYED BY THE**
7 **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY FOR AT LEAST 1**
8 **YEAR PRIOR TO THEIR APPOINTMENT;**

9 4. **SHALL HAVE EXPERIENCE IN AT LEAST ONE OF**
10 **THE FOLLOWING AREAS:**

11 A. **TRANSPORTATION OR LAND USE PLANNING;**

12 B. **TRANSPORTATION OR OTHER PUBLIC SECTOR**
13 **MANAGEMENT;**

14 C. **ENGINEERING;**

15 D. **FINANCE;**

16 E. **PUBLIC SAFETY;**

17 F. **HOMELAND SECURITY; OR**

18 G. **LAW;**

19 5. **SHALL BE REGULAR PASSENGERS OF THE BUS OR**
20 **RAIL SERVICE OF THE WASHINGTON METROPOLITAN AREA TRANSIT**
21 **AUTHORITY; AND**

22 6. **SHALL SUBMIT SEMIANNUAL REPORTS TO THE**
23 **GOVERNOR BY JUNE 30 AND DECEMBER 31 OF EACH YEAR DURING THE TERM**
24 **OF THEIR APPOINTMENT INDICATING:**

25 A. **THE DATES OF THE MEMBERS' ATTENDANCE AT**
26 **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF**
27 **DIRECTORS MEETINGS HELD SINCE SUBMISSION OF THE PREVIOUS REPORT**
28 **AND THE REASON FOR NOT ATTENDING ANY MEETING HELD DURING THE**
29 **REPORTING PERIOD; AND**

1 **B. THE DATES OF THE MEMBERS' ATTENDANCE AT**
2 **ANY OTHER PUBLIC MEETINGS IN THEIR OFFICIAL CAPACITY AS WASHINGTON**
3 **METROPOLITAN AREA TRANSIT AUTHORITY BOARD MEMBERS.**

4 (5) The secretary of transportation shall be an ex-officio member of
5 the commission and is entitled to the same rights of membership as the appointed
6 members. The secretary of transportation may designate in writing an alternate
7 representative, who shall have the same rights of membership as the secretary.

8 (6) At least 1 commissioner from Prince George's County appointed by
9 the county executive shall be appointed from among the members of the Prince
10 George's County Council. The other commissioner may be selected from among the
11 members of the Prince George's County Council or from qualified residents of Prince
12 George's County.

13 (7) The county executives may designate themselves as 1 of the
14 commissioners from their respective counties.

15 (8) Each commissioner serves at the pleasure of the respective
16 appointing official.

17 (9) Commissioners, other than the required member from the Prince
18 George's County Council, serve for a term of 3 years which begins on June 1. The
19 commissioner required from the Prince George's County Council serves while a
20 member of the county council, and at the pleasure of the county executive and county
21 council of Prince George's County.

22 (10) Members of the commission shall serve until their successors have
23 been appointed and qualified.

24 (11) The county executives and the governor shall inform the
25 commission of their appointments to and removals from the commission by delivering
26 to the commission, a certified copy of the resolution or other action making the
27 appointment or causing the removal.

28 87-10.

29 (A) No commissioner, nor any other officer, employee, agent or consultant,
30 shall have any interest in any person or company engaged in the business of providing
31 public transportation in the district or within the metropolitan area in which the
32 district is located, or in the manufacture or sale of passenger transportation
33 equipment or facilities. No commissioner nor any agent, officer, employee or
34 consultant thereof, shall contract with the district or be interested in, either directly or
35 indirectly, any contract with the district or in the sale of any property, either real or
36 personal, to the district. Any violation of this provision shall be a misdemeanor and
37 punished as provided by law.

1 **(B) COMMISSIONERS ARE “PUBLIC OFFICIALS” UNDER THE MARYLAND**
2 **PUBLIC ETHICS LAW AND ARE SUBJECT TO THE RESTRICTIONS AND**
3 **REQUIREMENTS SET FORTH IN TITLE 15 OF THE STATE GOVERNMENT**
4 **ARTICLE, ANNOTATED CODE OF MARYLAND.**

5 **Article 17 – Prince George’s County**

6 **Part III**

7 1.

8 (b) The General Assembly finds that, due to the interest of the State in
9 transportation facilities in the Washington Metropolitan Area, and due to the
10 substantial level of State financial support for transportation facilities and operations
11 provided to the Commission under Sections 10–205 and 10–207 of the Transportation
12 Article, Annotated Code of Maryland, and the substantial level of support through the
13 Commission to the Washington Metropolitan Area Transit Authority, it is in the
14 State’s interest to alter the composition of the Washington Suburban Transit
15 Commission to require that the Governor make certain appointments to the
16 Commission and that the Governor’s appointees serve as the Commission’s principal
17 representatives on the Washington Metropolitan Area Transit Authority Board of
18 Directors and that the State’s interests are appropriately represented in Commission
19 decisions.

20 5.

21 (a) (1) The Commission consists of 7 members.

22 (2) The County Executive of Montgomery County shall appoint
23 2 members, subject to the confirmation of the Montgomery County Council.

24 (3) The County Executive of Prince George’s County shall
25 appoint 2 members, subject to the confirmation of the Prince George’s County Council.

26 (4) (A) The Governor shall appoint 2 members with the advice and
27 consent of the Senate of Maryland. One member shall be a resident of Montgomery
28 County and 1 member shall be a resident of Prince George’s County.

29 (B) The Governor’s appointees [shall]:

30 1. **SHALL** serve as the commission’s appointees to the
31 Washington Metropolitan Area Transit Authority Board of Directors[.];

32 2. **MAY NOT HOLD ANY ELECTED OFFICE IN**
33 **FEDERAL, STATE, OR COUNTY GOVERNMENT AT ANY TIME DURING THE TERM OF**
34 **THEIR APPOINTMENT;**

1 **3. MAY NOT HAVE BEEN EMPLOYED BY THE**
2 **WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY FOR AT LEAST 1**
3 **YEAR PRIOR TO THEIR APPOINTMENT;**

4 **4. SHALL HAVE EXPERIENCE IN AT LEAST ONE OF**
5 **THE FOLLOWING AREAS:**

6 **A. TRANSPORTATION OR LAND USE PLANNING;**

7 **B. TRANSPORTATION OR OTHER PUBLIC SECTOR**
8 **MANAGEMENT;**

9 **C. ENGINEERING;**

10 **D. FINANCE;**

11 **E. PUBLIC SAFETY;**

12 **F. HOMELAND SECURITY; OR**

13 **G. LAW;**

14 **5. SHALL BE REGULAR PASSENGERS OF THE BUS OR**
15 **RAIL SERVICE OF THE WASHINGTON METROPOLITAN AREA TRANSIT**
16 **AUTHORITY; AND**

17 **6. SHALL SUBMIT SEMIANNUAL REPORTS TO THE**
18 **GOVERNOR BY JUNE 30 AND DECEMBER 31 OF EACH YEAR DURING THE TERM**
19 **OF THEIR APPOINTMENT INDICATING:**

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22 **DIRECTORS MEETINGS HELD SINCE SUBMISSION OF THE PREVIOUS REPORT**
23 **AND THE REASON FOR NOT ATTENDING ANY MEETING HELD DURING THE**
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25 **B. THE DATES OF THE MEMBERS' ATTENDANCE AT**
26 **ANY OTHER PUBLIC MEETINGS IN THEIR OFFICIAL CAPACITY AS WASHINGTON**
27 **METROPOLITAN AREA TRANSIT AUTHORITY BOARD MEMBERS.**

28 (5) The Secretary of Transportation shall be an ex-officio member of
29 the Commission and is entitled to the same rights of membership as the appointed
30 members. The Secretary of Transportation may designate in writing an alternate
31 representative, who shall have the same rights of membership as the Secretary.

1 (a) In this section, as to the Washington Suburban Transit Commission,
2 “commissioner” includes [only] the members appointed from Prince George’s County
3 [or] AND Montgomery County, AND THE MEMBERS APPOINTED BY THE
4 GOVERNOR.

5 (b) (1) Each commissioner and each applicant for appointment to a
6 bicounty commission shall file the financial disclosure statement required by §
7 15–601(a) of this title, except that:

8 (i) references to “business with the State” are deemed to refer
9 to “business with the State, the appropriate bicounty commission, Montgomery
10 County, or Prince George’s County”; and

11 (ii) references to “employed by the State” are deemed to refer to
12 “employed by the State, the appropriate bicounty commission, Montgomery County, or
13 Prince George’s County”.

14 (2) Except as otherwise provided in this section, the statement shall be
15 filed as prescribed in § 15–602 of this title.

16 (c) The executive director of a bicounty commission shall:

17 (1) provide forms for the statements required by this section;

18 (2) make the forms available in the office of the executive director; and

19 (3) provide a sufficient number of forms to the chief administrative
20 officers of Montgomery and Prince George’s counties for use by applicants and
21 commissioners.

22 (d) Each commissioner shall file the statement with the chief administrative
23 officer of the county from which the commissioner is appointed.

24 (e) If a commissioner of the Washington Suburban Transit Commission holds
25 another public office and is required to file a financial disclosure statement under
26 another State or local law, the commissioner may comply with subsection (a) of this
27 section by submitting a copy of the statement filed in accordance with the other law.
28 The statement shall be supplemented to include any additional information required
29 by this section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act
31 relating to the appointment by the Governor of members of the Washington Suburban
32 Transit Commission shall apply only to members appointed on or after the effective
33 date of this Act.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2011.

