

Chapter 433

(House Bill 1329)

AN ACT concerning

Washington Suburban Transit Commission – Washington Metropolitan Area Transit Authority Board of Directors – Membership

FOR the purpose of altering the requirements for the appointment of the commissioners of the Washington Suburban Transit Commission; requiring that one of the appointees from Montgomery County and one of the appointees from Prince George's County shall serve as alternate members of the Washington Metropolitan Area Transit Authority (WMATA) Board of Directors; requiring that commissioners appointed by the Governor serve as principal members of the Board; prohibiting the commissioners who serve as principal or alternate members of the Board from holding certain elected offices, except under certain circumstances; establishing the eligibility criteria to be met by the commissioners who serve as principal or alternate members of the Board; requiring the commissioners who serve as principal or alternate members of the Board to be regular passengers or customers of certain services of WMATA and to submit certain annual reports; requiring that certain reports cover a certain period of time; altering the length of the terms of the members of the Commission; requiring the terms of the commissioners to be staggered in a certain manner; prohibiting a commissioner from serving more than a certain number of consecutive terms; establishing a certain limit on a certain holdover period; requiring certain county executives and the Governor to submit to the Secretary of Transportation a certain annual letter; providing that all commissioners are "public officials" for purposes of the Maryland Public Ethics Law and are subject to certain restrictions and requirements; requiring certain commissioners appointed by the Governor to file certain financial disclosure statements; making a technical correction; terminating the terms of the commissioners serving at a certain date; providing, for the purposes of certain term limits, that certain terms may not be considered a full term; and generally relating to the membership of the Washington Suburban Transit Commission and the Washington Metropolitan Area Transit Authority Board of Directors.

BY repealing and reenacting, without amendments,
The Public Local Laws of Montgomery County
Section 87-1(b)
Article 16 – Public Local Laws of Maryland
(2004 Edition and January 2012 Supplement, as amended)
(As enacted by Chapter 3 of the Acts of the first Special Session of the General
Assembly of 1992)

BY repealing and reenacting, with amendments,
The Public Local Laws of Montgomery County
Section 87–5(a)
Article 16 – Public Local Laws of Maryland
(2004 Edition and January 2012 Supplement, as amended)
(As enacted by Chapter 3 of the Acts of the first Special Session of the General
Assembly of 1992)

BY repealing and reenacting, with amendments,
The Public Local Laws of Montgomery County
Section 87–10
Article 16 – Public Local Laws of Maryland
(2004 Edition and January 2012 Supplement, as amended)

BY repealing and reenacting, without amendments,
The Public Local Laws of Prince George’s County
Part III, Section 1(b)
Article 17 – Public Local Laws of Maryland
(2007 Edition and 2008/2009 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George’s County
Part III, Section 5(a)
Article 17 – Public Local Laws of Maryland
(2007 Edition and 2008/2009 Supplement, as amended)
(As enacted by Chapter 3 of the Acts of the first Special Session of the General
Assembly of 1992)

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George’s County
Part III, Section 10
Article 17 – Public Local Laws of Maryland
(2007 Edition and 2008/2009 Supplement, as amended)

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–820
Annotated Code of Maryland
(2009 Replacement Volume and 2011 Supplement)

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

Article 16 – Montgomery County

87–1.

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

87–5.

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

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

(II) OF THESE TWO APPOINTEES, ONE SHALL BE DESIGNATED BY THE COUNTY EXECUTIVE TO SERVE AS AN ALTERNATE MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS.

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

(II) OF THESE TWO APPOINTEES, ONE SHALL BE DESIGNATED BY THE COUNTY EXECUTIVE TO SERVE AS AN ALTERNATE MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS.

(4) (i) The Governor shall appoint 2 members with the advice and consent of the Senate of Maryland.

(II) One member shall be a resident of Montgomery County and one member shall be a resident of Prince George's County.

[(ii)] (III) The Governor's appointees shall serve as the Commission's appointees to BE PRINCIPAL MEMBERS OF the Washington Metropolitan Area Transit Authority Board of Directors.

(5) A COMMISSIONER SERVING AS A PRINCIPAL OR AN ALTERNATE MEMBER ON THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS:

(I) MAY NOT HOLD ANY ELECTED OFFICE IN FEDERAL, STATE, COUNTY, OR MUNICIPAL GOVERNMENT AT ANY TIME DURING THE TERM OF APPOINTMENT TO THE COMMISSION, EXCEPT AS PROVIDED IN PARAGRAPH (7) OR (8) OF THIS SUBSECTION;

(II) MAY NOT HAVE BEEN EMPLOYED BY THE WASHINGTON METROPOLITAN TRANSIT AUTHORITY FOR AT LEAST 1 YEAR PRIOR TO APPOINTMENT TO THE COMMISSION;

(III) SHALL HAVE EXPERIENCE IN AT LEAST ONE OF THE FOLLOWING AREAS:

1. TRANSIT PLANNING, TRANSPORTATION PLANNING, OR LAND USE PLANNING;

2. TRANSIT MANAGEMENT, TRANSPORTATION MANAGEMENT, OR OTHER PUBLIC SECTOR MANAGEMENT;

3. ENGINEERING;

4. FINANCE;

5. PUBLIC SAFETY;

6. HOMELAND SECURITY;

7. HUMAN RESOURCES;

8. LAW; OR

9. KNOWLEDGE OF THE REGION'S TRANSPORTATION ISSUES DERIVED FROM WORKING ON REGIONAL TRANSPORTATION ISSUES;

(IV) SHALL BE A REGULAR PASSENGER AND CUSTOMER OF THE BUS, RAIL, OR PARATRANSIT SERVICES OF THE WASHINGTON METROPOLITAN TRANSIT AUTHORITY; AND

(V) SHALL SUBMIT ANNUAL REPORTS, TO THE GOVERNOR AND COUNTY EXECUTIVES ON OR BEFORE JANUARY 31 OF EACH YEAR DURING

THE COMMISSIONER'S TERM OF APPOINTMENT, THAT APPLY TO THE PREVIOUS CALENDAR YEAR AND INCLUDE:

1. THE DATES OF THE COMMISSIONER'S ATTENDANCE AT WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS MEETINGS HELD SINCE SUBMISSION OF THE PREVIOUS REPORT, OR THE REASONS FOR NONATTENDANCE AT THE MEETINGS, IF ANY;

2. THE DATES OF THE COMMISSIONER'S ATTENDANCE AT ANY OTHER PUBLIC MEETINGS IN THE COMMISSIONER'S OFFICIAL CAPACITY AS A WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD MEMBER; AND

3. AN AFFIRMATION OF THE COMMISSIONER'S USE OF THE BUS, RAIL, AND PARATRANSIT SERVICES OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY SINCE SUBMISSION OF THE PREVIOUS REPORT.

[(5)] (6) (I) The Secretary of Transportation shall be an ex-officio member of the Commission and is entitled to the same rights of membership as the appointed members.

(II) The Secretary of Transportation may designate in writing an alternate representative, who shall have the same rights of membership as the Secretary.

[(6)] (7) (I) At least 1 commissioner from Prince George's County appointed by the county executive shall be appointed from among the members of the Prince George's County Council.

(II) The other commissioner may be selected from among the members of the Prince George's County Council or from qualified residents of Prince George's County.

[(7)] (8) The county executives may designate themselves as 1 of the commissioners from their respective counties.

[(8)] (9) Each commissioner serves at the pleasure of the respective appointing official.

[(9)] (10) (I) Commissioners, other than the required member from the Prince George's County Council, serve for a term of **[3] 4** years, which begins on **[June 1] JULY 1, AND MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.**

(II) THE TERMS OF THE COMMISSIONERS, OTHER THAN THE REQUIRED MEMBER FROM THE PRINCE GEORGE'S COUNTY COUNCIL, SHALL BE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR COMMISSIONERS ON OCTOBER 1, 2012.

(III) The commissioner required from the Prince George's County Council serves while a member of the county council, and at the pleasure of the County Executive and County Council of Prince George's County.

[(10)] (11) (I) [Members] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, MEMBERS of the Commission shall serve until their successors have been appointed and qualified **OR UNTIL THE MEMBER IS REAPPOINTED BY THE APPOINTING AUTHORITY.**

(II) A MEMBER'S HOLDOVER PERIOD MAY NOT EXCEED 12 MONTHS.

[(11)] (12) The county executives and the Governor shall inform the Commission of their appointments to and removals from the commission by delivering to the commission, a certified copy of the resolution or other action making the appointment or causing the removal.

(13) THE COUNTY EXECUTIVES AND THE GOVERNOR SHALL SUBMIT TO THE SECRETARY OF TRANSPORTATION AN ANNUAL LETTER THAT ESTABLISHES THE COMPENSATION FOR EACH COMMISSIONER SERVING AS A PRINCIPAL OR ALTERNATE MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS BY JULY 1 OF EACH YEAR, BEGINNING JULY 1, 2013.

87-10.

(A) No commissioner, nor any other officer, employee, agent or consultant, shall have any interest in any person or company engaged in the business of providing public transportation in the district or within the metropolitan area in which the district is located, or in the manufacture or sale of passenger transportation equipment or facilities.

(B) No commissioner nor any agent, officer, employee or consultant thereof, shall contract with the district or be interested in, either directly or indirectly, any contract with the district or in the sale of any property, either real or personal, to the district.

(C) Any violation of this provision shall be a misdemeanor and punished as provided by law.

(D) ALL COMMISSIONERS ARE PUBLIC OFFICIALS AS DEFINED UNDER THE MARYLAND PUBLIC ETHICS LAW AND ARE SUBJECT TO THE RESTRICTIONS AND REQUIREMENTS SET FORTH IN TITLE 15 OF THE STATE GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED AND SUPPLEMENTED.

Article 17 – Prince George’s County

Part III

1.

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

5.

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

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

(II) OF THESE TWO APPOINTEES, ONE SHALL BE DESIGNATED BY THE COUNTY EXECUTIVE TO SERVE AS AN ALTERNATE MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS.

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

(II) OF THESE TWO APPOINTEES, ONE SHALL BE DESIGNATED BY THE COUNTY EXECUTIVE TO SERVE AS AN ALTERNATE MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS.

(4) (i) The Governor shall appoint 2 members with the advice and consent of the Senate of Maryland.

(ii) One member shall be a resident of Montgomery County and 1 member shall be a resident of Prince George's County.

[(ii)] (iii) The Governor's appointees shall serve as the Commission's appointees to **BE PRINCIPAL MEMBERS OF** the Washington Metropolitan Area Transit Authority Board of Directors.

(5) A COMMISSIONER SERVING AS A PRINCIPAL OR AN ALTERNATE MEMBER ON THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS:

(i) MAY NOT HOLD ANY ELECTED OFFICE IN FEDERAL, STATE, COUNTY, OR MUNICIPAL GOVERNMENT AT ANY TIME DURING THE TERM OF THEIR APPOINTMENT TO THE COMMISSION, EXCEPT AS PROVIDED IN PARAGRAPH (7) OR (8) OF THIS SUBSECTION;

(ii) MAY NOT HAVE BEEN EMPLOYED BY THE WASHINGTON METROPOLITAN TRANSIT AUTHORITY FOR AT LEAST 1 YEAR PRIOR TO APPOINTMENT TO THE COMMISSION;

(iii) SHALL HAVE EXPERIENCE IN AT LEAST ONE OF THE FOLLOWING AREAS:

1. TRANSIT PLANNING, TRANSPORTATION PLANNING, OR LAND USE PLANNING;

2. TRANSIT MANAGEMENT, TRANSPORTATION MANAGEMENT, OR OTHER PUBLIC SECTOR MANAGEMENT;

3. ENGINEERING;

4. FINANCE;

5. PUBLIC SAFETY;

6. HOMELAND SECURITY;

7. HUMAN RESOURCES;

8. LAW; OR

9. KNOWLEDGE OF THE REGION'S TRANSPORTATION ISSUES DERIVED FROM WORKING ON REGIONAL TRANSPORTATION ISSUES;

(IV) SHALL BE A REGULAR PASSENGER AND CUSTOMER OF THE BUS, RAIL, OR PARATRANSIT SERVICES OF THE WASHINGTON METROPOLITAN TRANSIT AUTHORITY; AND

(V) SHALL SUBMIT ANNUAL REPORTS, TO THE GOVERNOR AND COUNTY EXECUTIVES ON OR BEFORE JANUARY 31 OF EACH YEAR DURING THE COMMISSIONER'S TERM OF APPOINTMENT, THAT APPLY TO THE PREVIOUS CALENDAR YEAR AND INCLUDE:

1. THE DATES OF THE COMMISSIONER'S ATTENDANCE AT WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS MEETINGS HELD SINCE SUBMISSION OF THE PREVIOUS REPORT, OR THE REASONS FOR NONATTENDANCE AT THE MEETINGS, IF ANY;

2. THE DATES OF THE COMMISSIONER'S ATTENDANCE AT ANY OTHER PUBLIC MEETINGS IN THE COMMISSIONER'S OFFICIAL CAPACITY AS A WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD MEMBER; AND

3. AN AFFIRMATION OF THE COMMISSIONER'S USE OF THE BUS, RAIL, AND PARATRANSIT SERVICES OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY SINCE SUBMISSION OF THE PREVIOUS REPORT.

[(5)] (6) (I) The Secretary of Transportation shall be an ex-officio member of the Commission and is entitled to the same rights of membership as the appointed members.

(II) The Secretary of Transportation may designate in writing an alternate representative, who shall have the same rights of membership as the Secretary.

[(6)] (7) (I) At least 1 commissioner from Prince George's County appointed by the county executive shall be appointed from among the members of the Prince George's County Council.

(II) The other commissioner may be selected from among the members of the Prince George's County Council or from qualified residents of Prince George's County.

[(7)] (8) The county executives may designate themselves as 1 of the commissioners from their respective counties.

[(8)] (9) Each commissioner serves at the pleasure of the respective appointing official.

[(9)] (10) (I) Commissioners, other than the required member from the Prince George's County Council, serve for a term of **[3] 4** years, which begins on **[June 1] JULY 1, AND A MAXIMUM OF TWO CONSECUTIVE TERMS.**

(II) THE TERMS OF THE COMMISSIONERS, OTHER THAN THE REQUIRED MEMBER FROM THE PRINCE GEORGE'S COUNTY COUNCIL, SHALL BE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR COMMISSIONERS ON OCTOBER 1, 2012.

(III) The commissioner required from the Prince George's County Council serves while a member of the county council, and at the pleasure of the County Executive and County Council of Prince George's County.

[(10)] (11) (I) [Members] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, MEMBERS of the commission shall serve until their successors have been appointed and qualified **OR UNTIL THE MEMBER IS REAPPOINTED BY THE APPOINTING AUTHORITY.**

(II) A MEMBER'S HOLDOVER PERIOD MAY NOT EXCEED 12 MONTHS.

[(11)] (12) The county executives and the Governor shall inform the Commission of their appointments to and removals from the Commission by delivering to the Commission a certified copy of the resolution or other action making the appointment or causing the removal.

(13) THE COUNTY EXECUTIVES AND THE GOVERNOR SHALL SUBMIT TO THE SECRETARY OF TRANSPORTATION AN ANNUAL LETTER THAT ESTABLISHES THE COMPENSATION FOR EACH COMMISSIONER SERVING AS A PRINCIPAL OR ALTERNATE MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS BY JULY 1 OF EACH YEAR, BEGINNING JULY 1, 2013.

10.

(A) No commissioner, nor any other officer, employee, agent or consultant shall have any interest in any person or company engaged in the business of providing

public transportation in the district or within the metropolitan area in which the district is located, or in the manufacture or sale of passenger transportation equipment or facilities.

(B) No commissioner nor any agent, officer, employee or consultant thereof, shall contract with the district or be interested in, either directly or indirectly, any contract with the district or in the sale of any property, either real or personal, to the district.

(C) Any violation of this provision shall be a misdemeanor and punished as provided by law.

(D) **ALL COMMISSIONERS ARE PUBLIC OFFICIALS AS DEFINED UNDER THE MARYLAND PUBLIC ETHICS LAW AND ARE SUBJECT TO THE RESTRICTIONS AND REQUIREMENTS SET FORTH IN TITLE 15 OF THE STATE GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED AND SUPPLEMENTED.**

Article – State Government

15–820.

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

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

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

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

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

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

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

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

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

(d) (1) Each commissioner shall file the statement with the chief administrative officer of the county from which the commissioner is appointed.

(2) COMMISSIONERS OF THE WASHINGTON SUBURBAN TRANSIT COMMISSION SHALL ALSO FILE A FINANCIAL DISCLOSURE STATEMENT WITH THE STATE ETHICS COMMISSION.

(e) (1) If a commissioner of the Washington Suburban Transit Commission holds another public office and is required to file a financial disclosure statement under another State or local law, the commissioner may comply with subsection [(a)] (B) of this section by submitting a copy of the statement filed in accordance with the other law.

(2) The statement shall be supplemented to include any additional information required by this section.

SECTION 2. AND BE IT FURTHER ENACTED, That the first annual reports required under Article 16, § 87-5(a)(5)(v) of the Public Local Laws of Maryland and Article 17 Part III, § 5(a)(5)(v) of the Public Local Laws of Maryland, both as enacted by Section 1 of this Act, shall be submitted on or before January 31, 2013, and shall cover the period from October 1, 2012, through December 31, 2012.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) the terms of all members of the Washington Suburban Transit Commission appointed and serving as of October 1, 2012, shall expire on June 30, 2013;

(b) the initial appointments of the members of the Washington Suburban Transit Commission shall be made on July 1, 2013, and the terms of the initial members, other than the required member from the Prince George's County Council, shall expire as follows:

(1) one commissioner who serves as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors, in 2017;

(2) one commissioner who is appointed by the County Executive of Montgomery County, but who does not serve as an alternate member of the Washington Metropolitan Area Transit Authority Board of Directors, in 2017;

(3) the commissioner who serves as an alternate member of the Washington Metropolitan Area Transit Authority Board of Directors representing Montgomery County, in 2016;

(4) one commissioner who serves as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors, in 2015; and

(5) the commissioner, other than the required member, who serves as an alternate member of the Washington Metropolitan Area Transit Authority Board of Directors representing Prince George's County, in 2014; and

(c) for purposes of term limits, a term that is less than 3 years may not be considered a full term.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 2, 2012.