

SENATE BILL 658

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By: **Senators Lam, Elfreth, Guzzone, Hester, and Reilly**
Introduced and read first time: February 4, 2022
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Transportation – Maryland Aviation Infrastructure Impacts Commission

FOR the purpose of establishing the Maryland Aviation Infrastructure Impacts Commission to study the health and environmental impacts of commercial aviation in certain communities in Maryland; and generally relating to the Maryland Aviation Infrastructure Impacts Commission.

BY adding to

Article – Transportation

Section 5–1301 to be under the new subtitle “Subtitle 13. Maryland Aviation Infrastructure Impacts Commission”

Annotated Code of Maryland

(2020 Replacement Volume and 2021 Supplement)

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

Article – Transportation

SUBTITLE 13. MARYLAND AVIATION INFRASTRUCTURE IMPACTS COMMISSION.

5–1301.

(A) IN THIS SECTION, “COMMUNITY ADVOCATE” MEANS AN INDIVIDUAL WHO HAS DEMONSTRATED AND SUSTAINED COMMUNITY INVOLVEMENT IN ISSUES RELEVANT TO THE COMMISSION.

(B) THERE IS A MARYLAND AVIATION INFRASTRUCTURE IMPACTS COMMISSION.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

- (I) THREE MEMBERS APPOINTED BY THE GOVERNOR;**
- (II) FIVE MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE; AND**
- (III) FIVE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE.**

(2) (I) THE GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE HOUSE SHALL SELECT MEMBERS FROM A LIST OF INDIVIDUALS NOMINATED BY THE FOLLOWING COUNTY DELEGATIONS TO THE GENERAL ASSEMBLY:

- 1. ANNE ARUNDEL;**
 - 2. BALTIMORE;**
 - 3. HOWARD; AND**
 - 4. MONTGOMERY.**
- (II) 1. EACH COUNTY DELEGATION SHALL NOMINATE FIVE INDIVIDUALS.**
- 2. THREE NOMINEES FROM EACH COUNTY DELEGATION SHALL BE COMMUNITY ADVOCATES WHO RESIDE IN EACH DELEGATION'S RESPECTIVE COUNTY.**

(III) EACH COUNTY DELEGATION SHALL SUBMIT A LIST OF NOMINEES TO THE DC METROPLEX BWI COMMUNITY ROUNDTABLE, WHICH SHALL EVALUATE THE NOMINEES BASED ON THE CRITERIA LISTED IN SUBSECTION (D) OF THIS SECTION AND PRESENT THOSE NOMINEES THAT IT REGARDS FAVORABLY TO THE APPOINTING AUTHORITIES LISTED IN PARAGRAPH (1) OF THIS SUBSECTION.

(IV) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE SHALL EACH APPOINT AT LEAST ONE COMMUNITY ADVOCATE FROM EACH COUNTY DELEGATION'S LIST OF NOMINEES, AND NOT FEWER THAN SEVEN COMMUNITY ADVOCATES IN TOTAL.

(D) IN APPOINTING MEMBERS UNDER SUBSECTION (C) OF THIS SECTION, AN APPOINTING AUTHORITY SHALL:

(1) ENSURE THAT ALL COMMUNITIES OF THE STATE DIRECTLY IMPACTED BY COMMERCIAL AVIATION INFRASTRUCTURE ARE REPRESENTED ON THE COMMISSION TO THE EXTENT POSSIBLE;

(2) ENSURE THAT THE COMMISSION IS REPRESENTATIVE OF THE DEMOGRAPHICS OF THE IMPACTED COMMUNITIES;

(3) CONSIDER INDIVIDUALS WITH A BROAD UNDERSTANDING OF THE ISSUES THAT WILL BE STUDIED BY THE COMMISSION;

(4) CONSIDER INDIVIDUALS WITH EXPERTISE IN:

(I) PUBLIC HEALTH, THE ENVIRONMENT, OR AVIATION;

(II) AIRPORT-RELATED POLLUTION AND LAND USE PLANNING;

AND

(III) AIRCRAFT NOISE RESEARCH, MITIGATION, AND POLICYMAKING; AND

(5) PRIORITIZE COMMUNITY ADVOCATES.

(E) A MEMBER OF THE COMMISSION MAY NOT BE A REPRESENTATIVE OR AN EMPLOYEE OF ANY ENTITY WHOSE PRINCIPAL ACTIVITIES ARE RELATED TO THE OPERATION OF STATE-OWNED AIRPORTS.

(F) (1) A CHAIR, VICE CHAIR, AND SECRETARY OF THE COMMISSION SHALL BE SELECTED BY A VOTE OF THE MEMBERS OF THE COMMISSION.

(2) ONLY COMMISSION MEMBERS WHO ARE COMMUNITY ADVOCATES MAY SERVE IN THE POSITIONS OF CHAIR, VICE CHAIR, AND SECRETARY OF THE COMMISSION.

(G) THE CHAIR, VICE CHAIR, AND SECRETARY CONSTITUTE AN EXECUTIVE COMMITTEE THAT WHICH MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE BUDGET, INCLUDING AN EXECUTIVE DIRECTOR.

(H) (1) (I) CANDIDATES FOR THE POSITION OF EXECUTIVE DIRECTOR SHALL BE EVALUATED BY THE EXECUTIVE COMMITTEE.

(II) THE EXECUTIVE DIRECTOR SHALL BE SELECTED BY A MAJORITY VOTE OF THE MEMBERS OF THE COMMISSION FROM AMONG THE CANDIDATES REGARDED FAVORABLY BY THE EXECUTIVE COMMITTEE.

(2) THE EXECUTIVE DIRECTOR SHALL:

(I) WORK WITH THE COMMISSION TO DETERMINE STUDY PRIORITIES;

(II) EXECUTE THE RESEARCH AGENDA OF THE COMMISSION;
AND

(III) IN COLLABORATION WITH THE COMMISSION, DEVELOP THE REPORT REQUIRED UNDER SUBSECTION (S) OF THIS SECTION.

(I) (1) THE TERM OF A MEMBER IS 5 YEARS.

(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM.

(3) (I) IF A VACANCY OCCURS ON THE COMMISSION, THE COUNTY DELEGATION THAT NOMINATED THE VACATING MEMBER SHALL NOMINATE AN INDIVIDUAL TO FILL THE VACANCY.

(II) THE APPOINTING AUTHORITY THAT APPOINTED THE VACATING MEMBER SHALL APPOINT THE INDIVIDUAL NOMINATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO FILL THE VACANCY.

(J) (1) THE COMMISSION SHALL MEET AT A TIME AND PLACE DESIGNATED BY THE CHAIR OF THE COMMISSION.

(2) THE COMMISSION SHALL MEET AS OFTEN AS ITS DUTIES REQUIRE, BUT NOT LESS THAN QUARTERLY.

(3) SEVEN MEMBERS OF THE COMMISSION CONSTITUTE A QUORUM.

(4) ACTION BY THE COMMISSION REQUIRES THE AFFIRMATIVE VOTE OF THE MAJORITY OF THE QUORUM.

(K) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(L) THE COMMISSION SHALL ADOPT BYLAWS, INCLUDING A CONFLICT OF INTEREST POLICY.

(M) THE COMMISSION SHALL:

(1) STUDY INFORMATION RELATED TO THE PUBLIC HEALTH, MEDICAL, AND ENVIRONMENTAL IMPACTS ON INDIVIDUALS RESIDING IN COMMUNITIES SURROUNDING NEW AND EXISTING COMMERCIAL AVIATION INFRASTRUCTURE, INCLUDING HARD INFRASTRUCTURE SUCH AS CONSTRUCTION PROJECTS AND SOFT INFRASTRUCTURE SUCH AS FLIGHT PATHS AND RELATED PROCEDURES, WITH A PRIMARY EMPHASIS ON BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT;

(2) CONDUCT ADDITIONAL STUDIES NECESSARY TO ACCOMPLISH THE GOALS OF THE COMMISSION; AND

(3) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING:

(I) PUBLIC POLICY IMPLICATIONS ARISING FROM STUDIES CONDUCTED BY OR ON BEHALF OF THE COMMISSION;

(II) THE CONTENT OF AVIATION INFRASTRUCTURE PLANS, INCLUDING THE IMPACT ON LOCAL LAND USE PLANS; AND

(III) THE APPROPRIATE BALANCE BETWEEN THE STATE'S COMPETING NEEDS FOR COMMERCIAL AVIATION–RELATED INFRASTRUCTURE AND ECONOMIC GROWTH AND THE QUALITY OF LIFE IN COMMUNITIES IMPACTED BY COMMERCIAL AVIATION–RELATED INFRASTRUCTURE.

(N) IN MAKING RECOMMENDATIONS UNDER SUBSECTION (M)(3) OF THIS SECTION, THE COMMISSION SHALL CONSIDER INFORMATION AND ADVICE FROM:

(1) THE MARYLAND ATTORNEY GENERAL;

(2) THE ADMINISTRATION;

(3) THE DEPARTMENT;

- (4) CITIZEN ADVISORY GROUPS;**
 - (5) EXPERTS IN THE FIELDS OF HEALTH, MEDICINE, AND THE ENVIRONMENT;**
 - (6) THE AIR CARRIER INDUSTRY;**
 - (7) THE AIRPORT CONCESSIONAIRE INDUSTRY; AND**
 - (8) THE AIRLINE SUPPORT SERVICES INDUSTRY.**
- (O) THE COMMISSION SHALL WORK IN COLLABORATION WITH A SCHOOL OF PUBLIC HEALTH SELECTED BY THE COMMISSION.**
- (P) THE DEPARTMENT AND THE ADMINISTRATION SHALL PROMPTLY NOTIFY THE COMMISSION OF ANY INFRASTRUCTURE PROJECTS RELATING TO COMMERCIAL AVIATION.**
- (Q) ANY AGENCY OR UNIT OF STATE GOVERNMENT SHALL RESPOND TO A REQUEST FOR INFORMATION FROM THE COMMISSION IN A TIMELY AND THOROUGH MANNER.**
- (R) THE COMMISSION MAY CONTRACT WITH A VENDOR TO MAINTAIN A WHOLE-REGION VIRTUAL NOISE MONITORING SYSTEM TO ASSIST THE COMMISSION IN GATHERING DATA TO SUPPORT RESEARCH PROJECTS AND POLICY RECOMMENDATIONS.**
- (S) ON OR BEFORE JANUARY 1 EACH YEAR, THE COMMISSION SHALL SUBMIT A REPORT ON THE COMMISSION'S ACTIVITIES, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.**

SECTION 2. AND BE IT FURTHER ENACTED, That, for each of fiscal years 2024 through 2027, the Governor shall include in the annual budget bill an appropriation of at least \$430,000 to the Maryland Aviation Infrastructure Impacts Commission.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022. It shall remain effective for a period of 5 years and, at the end of July 1, 2027, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.