

HOUSE BILL 204

R2

3lr0950
CF SB 162

By: **Delegates Hill, Bagnall, Chang, Feldmark, Grossman, Guzzone, Lehman, Ruth, Terrasa, and Ziegler**

Introduced and read first time: January 20, 2023

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2023

CHAPTER _____

1 AN ACT concerning

2 **Maryland Aviation Commission – Duties, Composition, and Member Orientation**

3 FOR the purpose of requiring the Maryland Aviation Commission to establish policies to
4 best mitigate in a certain manner actual and potential negative impacts of the local
5 aviation and airport industries; requiring the Commission to consider information
6 and advice from certain additional stakeholders when carrying out Commission
7 duties; requiring that certain members of the Commission appointed by the
8 Governor are to be ~~selected from a list of candidates designated by a resolution of the~~
9 ~~DC Metroplex BWI Community Roundtable~~ recommended by certain county Senate
10 delegations; requiring members of the Commission to receive an orientation on
11 certain duties of the Commission; requiring the Commission to follow certain
12 procedures related to meetings of the Commission; and generally relating to the
13 Maryland Aviation Commission.

14 BY repealing and reenacting, with amendments,
15 Article – Transportation
16 Section 5–201 and 5–201.2
17 Annotated Code of Maryland
18 (2020 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – General Provisions
21 Section 3–307
22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2019 Replacement Volume and 2022 Supplement)

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

Article – Transportation

5–201.

(a) There is a Maryland Aviation Commission.

(b) The Commission shall:

(1) Establish policies directed toward the Maryland Aviation Administration's ability to ~~improve~~;

~~(I) IMPROVE~~ and promote the role of the Baltimore–Washington International Thurgood Marshall Airport as an airport of service to the Washington–Baltimore metropolitan area; ~~AND~~

~~(II) BEST MITIGATE ACTUAL AND POTENTIAL NEGATIVE IMPACTS OF THE LOCAL AVIATION AND AIRPORT INDUSTRIES, AS INFORMED BY THE ACCEPTED SCIENTIFIC RESEARCH ON CREATING AND MAINTAINING HEALTHY AND LIVABLE COMMUNITIES;~~

(2) Approve regulations for the operation of the State–owned airports prior to their adoption by the Executive Director;

(3) Direct the Administration in developing and implementing airport management policy for all State–owned airports;

(4) Approve major capital projects, as defined in § 2–103.1(a)(4) of this article, at any State–owned airport prior to the submission of those projects to the Governor and General Assembly for approval;

(5) Exercise those powers granted to the Commission by this title or by any other provision of law; and

(6) In carrying out the provisions of this subtitle, ~~consider~~:

(I) **CONSIDER** information and advice from [the]:

~~(I)~~ 1. **THE** air carrier industry[, the];

~~(II)~~ 2. **THE** airport concessionaire industry[, the];

- 1 ~~(III)~~ **3.** **THE** airline support services industry[, and citizen];
- 2 ~~(IV)~~ **4.** **CITIZEN** advisory groups;
- 3 ~~(V)~~ **5.** **AIRPORT EMPLOYEES OR THEIR REPRESENTATIVES;**
- 4 ~~(VI)~~ **6.** **LOCAL GOVERNMENT;**
- 5 ~~(VII)~~ **7.** **CITIZENS FROM COMMUNITIES NEAR AIRPORTS; AND**
- 6 ~~(VIII)~~ **8.** **OTHER MARYLAND COMMUNITIES THAT HAVE, OR**
7 **ARE PREDICTED TO HAVE, POTENTIALLY ADVERSE HEALTH OR ~~LIVABILITY~~**
8 **COMMUNITY IMPACTS FROM AIRPORT INFRASTRUCTURE AND ECONOMIC GROWTH**
9 **DECISIONS; AND**

10 **(II) CONSIDER THE AVIATION, ECONOMIC, BUSINESS,**
11 **ENVIRONMENTAL, HEALTH, AND COMMUNITY-RELATED IMPACTS OR ANY OTHER**
12 **IMPACTS THE COMMISSION FINDS RELEVANT TO THE DECISIONS OF THE**
13 **COMMISSION OR THE ADMINISTRATION.**

14 (c) (1) The Commission shall consist of ~~nine~~ **13** voting members:

15 (i) ~~Eight~~ **12** appointed by the Governor with the advice and consent
16 of the Senate, ~~FOUR OF WHOM SHALL BE FROM A LIST OF PROPOSED CANDIDATES~~
17 ~~DESIGNATED BY A RESOLUTION OF THE DC METROPLEX BWI COMMUNITY~~
18 ~~ROUNDTABLE, OR ITS SUCCESSOR ORGANIZATION;~~

19 **1. TWO OF WHOM SHALL BE RECOMMENDED BY THE**
20 **ANNE ARUNDEL COUNTY SENATE DELEGATION; AND**

21 **2. TWO OF WHOM SHALL BE RECOMMENDED BY THE**
22 **HOWARD COUNTY SENATE DELEGATION; and**

23 (ii) The Secretary of Transportation, who shall be the Chairman of
24 the Commission.

25 (2) The Secretary of Commerce shall serve as a nonvoting ex officio
26 Commission member.

27 (d) (1) Subject to the provisions of paragraph (3) of this subsection, the
28 Governor may not appoint to the Commission:

29 (i) An officer or employee of the State, except as provided in
30 subsection (c) of this section;

1 (ii) A representative of any entity whose principal activities are
2 related to the operation of State-owned airports;

3 (iii) A person employed by any entity whose principal activities are
4 related to the operation of State-owned airports; or

5 (iv) A member of the General Assembly.

6 (2) In appointing the ~~eight~~ **12** members of the Commission, the Governor
7 shall take into consideration:

8 **(I)** ~~both~~ **BOTH** the geographic and ethnic representation of the State
9 such that all segments of the population of the State to the extent possible are represented
10 on the Commission; **AND**

11 **(II) THE EXPERIENCE OF AN APPOINTEE IN THE AVIATION AND**
12 **AIRPORT INDUSTRIES SUCH THAT SOME COMMISSION MEMBERS HAVE DIRECTLY**
13 **RELEVANT EXPERIENCE.**

14 (3) Notwithstanding paragraph (1) of this subsection, a member of any
15 State board, commission, or authority may be appointed a member of the Maryland
16 Aviation Commission. Any person so appointed who is compensated by the State is not
17 entitled to any compensation or other emolument, except expenses incurred in connection
18 with attendance at hearings, meetings, field trips, and working sessions, for any services
19 rendered as a Commissioner.

20 (e) (1) Each appointed member serves for a term of 3 years and until a
21 successor is appointed and qualifies.

22 (2) The terms of the members are staggered as required by the terms
23 provided for members of the Commission on October 1, 1994.

24 (3) At the end of a term, a member continues to serve until a successor is
25 appointed and qualifies.

26 (4) A member who is appointed after a term has begun serves only for the
27 rest of the term and until a successor is appointed and qualifies.

28 (f) (1) The Commission shall meet at a time and place designated by the
29 Chairman of the Commission.

30 (2) The Commission shall meet as often as its duties require, but not less
31 than quarterly.

32 (3) (i) Attendance by five members shall constitute a quorum.

1 (ii) No formal action may be taken by the Commission except by an
2 affirmative vote of a majority of the entire Commission.

3 (g) Except as provided under subsection (d)(3) of this section, members of the
4 Commission appointed by the Governor are entitled to the compensation and expenses
5 provided for in the State budget. Members of the Commission are subject to the provisions
6 of § 8–501 of the State Government Article.

7 **(H) (1) EACH MEMBER OF THE COMMISSION SHALL RECEIVE AN**
8 **ORIENTATION SESSION TO EDUCATE THE MEMBER ON THE COMMISSION’S ~~DUAL~~**
9 **RESPONSIBILITIES UNDER SUBSECTION ~~(B)(1)~~ (B) OF THIS SECTION.**

10 **(2) (I) MEMBERS APPOINTED TO THE COMMISSION BEFORE**
11 **OCTOBER 1, 2023, SHALL RECEIVE THE ORIENTATION AS A GROUP WITHIN A**
12 **REASONABLE TIME ON OR AFTER OCTOBER 1, 2023.**

13 **(II) MEMBERS APPOINTED TO THE COMMISSION ON OR AFTER**
14 **OCTOBER 1, 2023, SHALL RECEIVE THE ORIENTATION ON AN INDIVIDUAL BASIS**
15 **WITHIN A REASONABLE TIME FOLLOWING APPOINTMENT.**

16 5–201.2.

17 (a) Subject to § 2–1257 of the State Government Article, the Commission shall
18 report by January 15 of each year to the General Assembly on the activities of the
19 Commission during the previous year.

20 (b) The report shall include:

21 (1) A review of the financial and operational results for all State-owned
22 airports during the previous year, **A SUMMARY OF COMMISSION INITIATIVES**
23 **~~SUPPORTING HEALTHY, LIVABLE COMMUNITIES, FEEDBACK RELATED TO HEALTH~~**
24 **~~OR COMMUNITY IMPACT AND HOW THE COMMISSION ADDRESSED SUCH FEEDBACK,~~**
25 and any recommendations of the Commission for future changes in legislation, capital
26 funding, ~~for~~ operational flexibility, **~~OR IMPROVED MITIGATION OF ADVERSE HEALTH~~**
27 **~~AND LIVABILITY IMPACTS ON NEIGHBORING AND IMPACTED COMMUNITIES;~~**

28 (2) Subject to review by the Department of Budget and Management, an
29 estimate of all expenditures necessary for the operation of the Commission. The estimate
30 shall identify staff resources allocated to the Commission that are provided by the
31 Department or other State agencies; and

32 (3) Actions taken by the Commission pursuant to § 5–201.1(a) of this
33 subtitle, including the consideration of the comparative status of employees serving at
34 comparable airports or aeronautical agencies.

1 3-307.

2 (a) This section applies only to the following public bodies:

3 (1) the Board of Directors of the Bainbridge Development Corporation;

4 (2) the Canal Place Preservation and Development Authority;

5 (3) the Maryland 9-1-1 Board;

6 (4) the Board of Directors of the Maryland Agricultural and
7 Resource-Based Industry Corporation;

8 (5) the Board of Directors of the Maryland Clean Energy Center;

9 (6) the Board of Directors of the Maryland Economic Development
10 Corporation;

11 (7) the Board of Directors of the Maryland Environmental Service;

12 (8) the Maryland Food Center Authority;

13 (9) the Maryland Health and Higher Educational Facilities Authority;

14 (10) the Maryland Industrial Development Financing Authority;

15 (11) the Maryland Stadium Authority;

16 (12) the Maryland Transportation Authority;

17 (13) the Northeast Maryland Waste Disposal Authority;

18 (14) the Public Service Commission;

19 (15) the State Board of Elections;

20 (16) the Maryland Technology Development Corporation; [and]

21 (17) the Historic St. Mary's City Commission; AND

22 (18) **THE MARYLAND AVIATION COMMISSION.**

23 (b) A public body specified in subsection (a) of this section shall make publicly
24 available on its website:

1 (1) each open meeting agenda, together with a summary of any finalized
2 documents, written testimony from the public, and other materials that the public body
3 will vote on at the open meeting:

4 (i) at least 48 hours in advance of each meeting; or

5 (ii) if the meeting is being held due to an emergency, a natural
6 disaster, or any other unanticipated situation, as far in advance of the meeting as
7 practicable;

8 (2) meeting minutes from the portions of a meeting that were held in open
9 session, not more than 2 business days after the minutes are approved; and

10 (3) subject to subsections (f) and (g) of this section, live video streaming of
11 each portion of a meeting that is held in open session.

12 (c) To the extent practicable, each open meeting agenda shall indicate:

13 (1) whether the public body intends to adjourn the open session to a closed
14 session; and

15 (2) if applicable, the expected time at which the public body intends to
16 adjourn the open session to a closed session.

17 (d) (1) The public body shall approve meeting minutes in a timely manner.

18 (2) Each open meeting agenda shall include consideration of the meeting
19 minutes from the most recent meeting.

20 (3) The requirement under paragraph (2) of this subsection does not apply
21 to the agenda of an emergency meeting of a public body if consideration of the meeting
22 minutes from the most recent meeting is not practicable because of the need to hold an
23 emergency meeting.

24 (e) The public body shall maintain on its website:

25 (1) meeting minutes made available under subsection (b) of this section for
26 a minimum of 5 years after the date of the meeting; and

27 (2) except as provided in subsections (f) and (g) of this section, a complete
28 and unedited archived video recording of each open meeting for which live video streaming
29 was made available under subsection (b) of this section for a minimum of 1 year after the
30 date of the meeting.

31 (f) (1) This subsection applies only to the Maryland Stadium Authority.

1 (2) If the Maryland Stadium Authority meets by telephone conference, the
2 Authority shall:

3 (i) make publicly available on its website live audio streaming of
4 each portion of the meeting that is held in open session; and

5 (ii) maintain on its website a complete and unedited archived audio
6 recording of each meeting for which live audio streaming was made available for a
7 minimum of 1 year after the date of the meeting.

8 (g) (1) This subsection applies only to the Maryland Transportation Authority.

9 (2) The Maryland Transportation Authority is required to provide live
10 video streaming of a meeting only if the meeting is held at:

11 (i) the headquarters of the Maryland Transportation Authority; or

12 (ii) a location where the Maryland Transportation Authority held at
13 least 10 meetings during the immediately preceding calendar year.

14 (h) The Department of Information Technology shall provide the technical staff,
15 support, and equipment necessary to livestream the open meetings of:

16 (1) the Maryland Transportation Authority; and

17 (2) the State Board of Elections.

18 (i) For purposes of this title, a project site visit or educational field tour may not
19 be considered a meeting of a public body listed under subsection (a) of this section if no
20 organizational business is conducted.

21 (j) Nothing in this section may be construed to prevent a public body from
22 altering the agenda of a meeting after the agenda has been made available to the public.

23 (k) The requirements of this section are in addition to the other requirements of
24 this subtitle.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2023.