

SENATE BILL 162

R2

3lr0949
CF HB 204

By: **Senators Lam, Beidle, Elfreth, ~~and Guzzone~~ Guzzone, and Gile**

Introduced and read first time: January 18, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Recommitted to Finance, March 9, 2023

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 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; and generally relating to the Maryland Aviation
12 Commission.

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

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

20 **Article – Transportation**

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.



1 5–201.

2 (a) There is a Maryland Aviation Commission.

3 (b) The Commission shall:

4 (1) Establish policies directed toward the Maryland Aviation
5 Administration’s ability to [improve]:

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

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

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

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

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

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

22 (6) In carrying out the provisions of this subtitle, consider information and
23 advice from [the]:

24 (I) **THE** air carrier industry[, the];

25 (II) **THE** airport concessionaire industry[, the];

26 (III) **THE** airline support services industry[, and citizen];

27 (IV) **CITIZEN** advisory groups;

28 (V) **AIRPORT EMPLOYEES OR THEIR REPRESENTATIVES;**

29 (VI) **LOCAL GOVERNMENT;**

1 (VII) CITIZENS FROM COMMUNITIES NEAR AIRPORTS; AND

2 (VIII) OTHER MARYLAND COMMUNITIES THAT HAVE, OR ARE
3 PREDICTED TO HAVE, ADVERSE HEALTH OR LIVABILITY IMPACTS FROM AIRPORT
4 INFRASTRUCTURE AND ECONOMIC GROWTH DECISIONS.

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

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

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

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

14 (ii) The Secretary of Transportation, who shall be the Chairman of
15 the Commission.

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

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

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

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

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

26 (iv) A member of the General Assembly.

27 (2) In appointing the ~~eight~~ **12** members of the Commission, the Governor
28 shall take into consideration both the geographic and ethnic representation of the State
29 such that all segments of the population of the State to the extent possible are represented
30 on the Commission.

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

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

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

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

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

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

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

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

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

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

26 **(H) (1) EACH MEMBER OF THE COMMISSION SHALL RECEIVE AN**
27 **ORIENTATION SESSION TO EDUCATE THE MEMBER ON THE COMMISSION'S DUAL**
28 **RESPONSIBILITIES UNDER SUBSECTION (B)(1) OF THIS SECTION.**

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

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

1 5–201.2.

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

5 (b) The report shall include:

6 (1) A review of the financial and operational results for all State–owned
7 airports during the previous year, **A SUMMARY OF COMMISSION INITIATIVES**
8 **SUPPORTING HEALTHY, LIVABLE COMMUNITIES**, and any recommendations of the
9 Commission for future changes in legislation, capital funding, [or] operational flexibility,
10 **OR IMPROVED MITIGATION OF ADVERSE HEALTH AND LIVABILITY IMPACTS ON**
11 **NEIGHBORING AND IMPACTED COMMUNITIES**;

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.