

# SENATE BILL 162

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

Introduced and read first time: January 18, 2023

Assigned to: Finance

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## A BILL ENTITLED

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; requiring members of the Commission  
10 to receive an orientation on certain duties of the Commission; and generally relating  
11 to the Maryland Aviation Commission.

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

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

19 **Article – Transportation**

20 5–201.

21 (a) There is a Maryland Aviation Commission.

22 (b) The Commission shall:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Establish policies directed toward the Maryland Aviation  
2 Administration's ability to [improve]:

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

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

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

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

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

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

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

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

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

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

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

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

26 (VI) **LOCAL GOVERNMENT;**

27 (VII) **CITIZENS FROM COMMUNITIES NEAR AIRPORTS; AND**

28 (VIII) **OTHER MARYLAND COMMUNITIES THAT HAVE, OR ARE**  
29 **PREDICTED TO HAVE, ADVERSE HEALTH OR LIVABILITY IMPACTS FROM AIRPORT**  
30 **INFRASTRUCTURE AND ECONOMIC GROWTH DECISIONS.**

1 (c) (1) The Commission shall consist of nine voting members:

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

6 (ii) The Secretary of Transportation, who shall be the Chairman of  
7 the Commission.

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

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

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

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

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

18 (iv) A member of the General Assembly.

19 (2) In appointing the eight members of the Commission, the Governor shall  
20 take into consideration both the geographic and ethnic representation of the State such  
21 that all segments of the population of the State to the extent possible are represented on  
22 the Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

25 5–201.2.

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

29 (b) The report shall include:

30 (1) A review of the financial and operational results for all State–owned  
31 airports during the previous year, **A SUMMARY OF COMMISSION INITIATIVES**  
32 **SUPPORTING HEALTHY, LIVABLE COMMUNITIES**, and any recommendations of the  
33 Commission for future changes in legislation, capital funding, [or] operational flexibility,

1 **OR IMPROVED MITIGATION OF ADVERSE HEALTH AND LIVABILITY IMPACTS ON**  
2 **NEIGHBORING AND IMPACTED COMMUNITIES;**

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

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

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