

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 204
Appropriations

(Delegate Hill, *et al.*)

Rules

Maryland Aviation Commission - Duties, Composition, and Member Orientation

This bill requires the Maryland Aviation Commission (MAC), in carrying out its duties, to consider information and advice from additional stakeholders and consider the aviation, economic, business, environmental, health, and community-related impacts or any other impacts MAC finds relevant to its decisions and the decisions of the Maryland Aviation Administration (MAA). The bill also (1) increases the number of voting members on MAC from 9 to 13 and modifies the appointment criteria, as specified; (2) requires commissioners to receive an orientation session relating to MAC’s duties, as specified; (3) expands MAC’s annual report to include additional information; and (4) subjects MAC to enhanced Open Meetings Act requirements.

Fiscal Summary

State Effect: Transportation Trust Fund expenditures may increase minimally for MAC to meet the enhanced Open Meetings Act requirements. Otherwise, MAC can handle the bill’s requirements using existing budgeted resources. Revenues are not affected.

Local Effect: Local governments can cooperate with MAC as necessary and appropriate using existing budgeted resources. Revenues are not affected.

Small Business Effect: Minimal.

Analysis

Bill Summary: The list of stakeholders MAC must consider information and advice from in carrying out its duties is expanded to include airport employees or their representatives,

local government, citizens from communities near airports, and other Maryland communities that have, or are predicted to have, potentially adverse health or community impacts from airport infrastructure and economic growth decisions.

Of the 12 commissioners appointed by the Governor with the advice and consent of the Senate, 2 must be recommended by the Anne Arundel County Senate delegation and 2 must be recommended by the Howard County Senate delegation. In appointing members, the Governor must consider the experience of an appointee in the aviation and airport industries such that some commission members have directly relevant experience.

The annual report submitted by MAC to the General Assembly must include a summary of commission feedback related to health or community impact and how the commission addressed such feedback.

MAC is included in the list of public bodies that must follow enhanced Open Meetings Act requirements under § 3-307 of the General Provisions Article, as discussed below under Current Law.

Current Law:

Maryland Aviation Administration and Maryland Aviation Commission

MAA, as a unit of the Maryland Department of Transportation, has responsibility for fostering, developing, and regulating aviation activity throughout the State. MAA is responsible for operating, maintaining, and developing State-owned airports, including BWI Thurgood Marshall Airport. MAA is governed by its executive director and MAC.

MAC is comprised of eight individuals appointed by the Governor with the advice and consent of the Senate. The Secretary of Transportation serves as the commission's chairman. The chairman must appoint the Executive Director of MAA based on the advice of the commission, subject to the approval of the Governor. In appointing members to MAC, the Governor must consider the geographic and ethnic representation of the State such that all segments of the population of the State to the extent possible are represented on MAC. The commission is responsible for:

- establishing policies directed toward MAA's ability to improve and promote the role of BWI Thurgood Marshall Airport as an airport of service to the Washington-Baltimore metropolitan area;
- approving regulations for the operation of State-owned airports, as specified;
- directing MAA in developing and implementing airport management policy for all State-owned airports;

- approving major capital projects, as specified; and
- excising the powers granted to it, as specified.

In carrying out its duties, MAC must consider information and advice from the air carrier industry, airport concessionaire industry, airline support services industry, and citizen advisory groups.

MAC must submit an annual report to the General Assembly by January 15 of each year on its activities during the previous year. The report must include (1) a review of the financial and operational results for all State-owned airports during the previous year and any recommendations for future changes in legislation, capital funding, or operational flexibility; (2) subject to review by the Department of Budget and Management, an estimate of necessary commission expenditures, as specified; and (3) certain actions taken by the commission relating to managerial staffing and salaries.

Open Meetings Act, Generally

Under Maryland's Open Meetings Act, with limited exceptions, a public body must (1) meet in open session in places reasonably accessible to potential attendees and (2) provide reasonable advance notice of the time and location of meetings, including, when appropriate, whether any portion of a meeting will be in closed session. A "public body" is any entity that (1) consists of at least two individuals and (2) is created by the Maryland Constitution; a State statute; a county or municipal charter; a memorandum of understanding or a master agreement to which a majority of the county boards of education and the Maryland State Department of Education are signatories; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from the definition of "public body" include juries, the Governor's cabinet and Executive Council, judicial nominating commissions, and single-member entities, among others.

Agendas: Generally, a public body must make an agenda available to the public prior to meeting in an open session. The agenda must include known items of business or topics to be discussed at the meeting and indicate whether the public body expects to close any portion of the meeting in accordance with State law. The public body is not required to include in the agenda any information regarding the subject matter of a closed portion of the meeting. If a public body is unable to comply with specified deadlines for the release of a meeting agenda because the meeting is scheduled in response to an emergency, a natural disaster, or any other unanticipated situation, the public body must make available, on request, an agenda of the meeting within a reasonable time after the meeting occurs.

Minutes: As soon as practicable after an open session, a public body must prepare minutes of the meeting. The minutes must reflect each item that the public body considered, the

action it took on each item, and each vote that was recorded. If a public body meets in closed session, the minutes for a public body's next open session must include a summary that includes specified information about the proceedings of the closed meeting. A public body need not prepare written minutes of an open session if (1) live and archived video or audio streaming of the open session is available or (2) if the public body votes on legislation and the individual votes taken by each participating member of the public body are promptly posted on the Internet.

In general, with limited exceptions, minutes of a public body must be available for public inspection during normal business hours. A public body must retain a copy of the minutes of each session and any specified recording for at least five years and, to the extent practicable, post them online.

Enhanced Open Meetings Act Requirements

Certain public bodies are subject to additional Open Meetings Act requirements under § 3-307 of the General Provisions Article. A public body subject to those provisions must make publicly available on its website (1) each open meeting agenda, along with other specified information, at least 48 hours in advance of each meeting or, for specified unanticipated situations, as far in advance as practicable; (2) meeting minutes from the portions of a meeting that were held in open session, not more than two business days after the minutes are approved; and (3) live video streaming of each portion of a meeting that is held in open session. To the extent practicable, each open meeting agenda must indicate (1) whether the public body intends to adjourn the open session to a closed session and (2) if applicable, the expected time at which the public body intends to adjourn the open session to a closed session. Generally, each open meeting must also include consideration of the meeting minutes from the most recent meeting.

Further, the public body must approve minutes in a timely manner and maintain on its website (1) meeting minutes (from the portions of a meeting held in open session) for a minimum of five years after the date of the meeting and (2) a complete and unedited archived video recording of each open meeting for which live video streaming was made available for a minimum of one year after the date of the meeting.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 162 (Senator Lam, *et al.*) - Finance.

Information Source(s): Maryland Department of Transportation; Maryland Association of Counties; Maryland Municipal League; Federal Aviation Administration; Department of Legislative Services

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Analysis by: Richard L. Duncan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510