SENATE BILL 323

By: Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Transportation)
Introduced and read first time: February 2, 2011
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Washington Suburban Transit Commission – Membership Qualifications, Restrictions, and Reporting Responsibilities

FOR the purpose of requiring that gubernatorial appointees to the Washington Suburban Transit Commission meet certain qualifications and requirements; providing that certain commissioners of the Washington Suburban Transit Commission are subject to the restrictions and requirements of the Maryland Public Ethics Law; requiring certain members to file certain financial disclosure statements with the State Ethics Commission; providing for the application of certain provisions of this Act; and generally relating to the Washington Suburban Transit Commission.

BY repealing and reenacting, without amendments,
The Public Local Laws of Montgomery County Section 87–1(b)
Article 16 – Public Local Laws of Maryland (2004 Edition and December 2010 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Montgomery County Section 87–5(a) and 87–10
Article 16 – Public Local Laws of Maryland (2004 Edition and December 2010 Supplement, as amended)

BY repealing and reenacting, without amendments,
The Public Local Laws of Prince George’s County Part III, Section 1(b)
Article 17 – Public Local Laws of Maryland (2003 Edition and 2005 Supplement, as amended)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.
BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George’s County
Part III, Section 5(a) and 10
Article 17 – Public Local Laws of Maryland
(2003 Edition and 2005 Supplement, as amended)

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–820
Annotated Code of Maryland
(2009 Replacement Volume and 2010 Supplement)

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

Article 16 – Montgomery County

(b) The General Assembly finds that, due to the interest of the state in transportation facilities in the Washington Metropolitan Area, and due to the substantial level of state financial support for transportation facilities and operations provided to the commission under §§ 10–205 and 10–207 of the Transportation Article, Annotated Code of Maryland, and the substantial level of support through the commission to the Washington Metropolitan Area Transit Authority, it is in the state’s interest to alter the composition of the Washington Suburban Transit Commission to require that the governor make certain appointments to the commission and that the governor’s appointees serve as the commission’s principal representatives on the Washington Metropolitan Area Transit Authority board of directors and that the state’s interests are appropriately represented in commission decisions.

87–1.

(a) (1) The commission consists of 7 members.

(2) The county executive of Montgomery County shall appoint 2 members, subject to the confirmation of the Montgomery County Council.

(3) The county executive of Prince George’s County shall appoint 2 members, subject to the confirmation of the Prince George’s County Council.

(4) (i) The governor shall appoint 2 members with the advice and consent of the senate of Maryland. One member shall be a resident of Montgomery County and one member shall be a resident of Prince George’s County.

(ii) The governor’s appointees [shall]:
1. **Shall** serve as the commission’s appointees to the Washington Metropolitan Area Transit Authority Board of Directors;

2. **May not hold any elected office in** federal, state, or county government at any time during the term of their appointment;

3. **May not have been employed by the** Washington Metropolitan Area Transit Authority for at least one year prior to their appointment;

4. **Shall have experience in at least one of the following areas:**
   
   A. **Transportation or land use planning;**
   
   B. **Transportation or other public sector management;**
   
   C. **Engineering;**
   
   D. **Finance;**
   
   E. **Public safety;**
   
   F. **Homeland security; or**
   
   G. **Law;**

5. **Shall be regular passengers of the bus or rail service of the Washington Metropolitan Area Transit Authority; and**

6. **Shall submit semiannual reports to the Governor by June 30 and December 31 of each year during the term of their appointment indicating:**

   A. **The dates of the members’ attendance at Washington Metropolitan Area Transit Authority Board of Directors meetings held since submission of the previous report and the reason for not attending any meeting held during the reporting period; and**
B. THE DATES OF THE MEMBERS’ ATTENDANCE AT ANY OTHER PUBLIC MEETINGS IN THEIR OFFICIAL CAPACITY AS WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD MEMBERS.

(5) The secretary of transportation shall be an ex–officio member of the commission and is entitled to the same rights of membership as the appointed members. The secretary of transportation may designate in writing an alternate representative, who shall have the same rights of membership as the secretary.

(6) At least 1 commissioner from Prince George’s County appointed by the county executive shall be appointed from among the members of the Prince George’s County Council. The other commissioner may be selected from among the members of the Prince George’s County Council or from qualified residents of Prince George’s County.

(7) The county executives may designate themselves as 1 of the commissioners from their respective counties.

(8) Each commissioner serves at the pleasure of the respective appointing official.

(9) Commissioners, other than the required member from the Prince George’s County Council, serve for a term of 3 years which begins on June 1. The commissioner required from the Prince George’s County Council serves while a member of the county council, and at the pleasure of the county executive and county council of Prince George’s County.

(10) Members of the commission shall serve until their successors have been appointed and qualified.

(11) The county executives and the governor shall inform the commission of their appointments to and removals from the commission by delivering to the commission, a certified copy of the resolution or other action making the appointment or causing the removal.

87–10.

(A) No commissioner, nor any other officer, employee, agent or consultant, shall have any interest in any person or company engaged in the business of providing public transportation in the district or within the metropolitan area in which the district is located, or in the manufacture or sale of passenger transportation equipment or facilities. No commissioner nor any agent, officer, employee or consultant thereof, shall contract with the district or be interested in, either directly or indirectly, any contract with the district or in the sale of any property, either real or personal, to the district. Any violation of this provision shall be a misdemeanor and punished as provided by law.
(B) COMMISSIONERS ARE “PUBLIC OFFICIALS” UNDER THE MARYLAND
PUBLIC ETHICS LAW AND ARE SUBJECT TO THE RESTRICTIONS AND
REQUIREMENTS SET FORTH IN TITLE 15 OF THE STATE GOVERNMENT
ARTICLE, ANNOTATED CODE OF MARYLAND.

Article 17 – Prince George’s County

Part III

1.

(b) The General Assembly finds that, due to the interest of the State in
transportation facilities in the Washington Metropolitan Area, and due to the
substantial level of State financial support for transportation facilities and operations
provided to the Commission under Sections 10–205 and 10–207 of the Transportation
Article, Annotated Code of Maryland, and the substantial level of support through the
Commission to the Washington Metropolitan Area Transit Authority, it is in the
State’s interest to alter the composition of the Washington Suburban Transit
Commission to require that the Governor make certain appointments to the
Commission and that the Governor’s appointees serve as the Commission’s principal
representatives on the Washington Metropolitan Area Transit Authority Board of
Directors and that the State’s interests are appropriately represented in Commission
decisions.

5.

(a) (1) The Commission consists of 7 members.

2.

(2) The County Executive of Montgomery County shall appoint
2 members, subject to the confirmation of the Montgomery County Council.

3.

(3) The County Executive of Prince George’s County shall
appoint 2 members, subject to the confirmation of the Prince George’s County Council.

4. (A) The Governor shall appoint 2 members with the advice and
consent of the Senate of Maryland. One member shall be a resident of Montgomery
County and 1 member shall be a resident of Prince George’s County.

(B) The Governor’s appointees [shall]:

1. SHALL serve as the commission’s appointees to the
Washington Metropolitan Area Transit Authority Board of Directors[.];

2. MAY NOT HOLD ANY ELECTED OFFICE IN
FEDERAL, STATE, OR COUNTY GOVERNMENT AT ANY TIME DURING THE TERM OF
THEIR APPOINTMENT;
3. May not have been employed by the Washington Metropolitan Area Transit Authority for at least 1 year prior to their appointment;

4. Shall have experience in at least one of the following areas:

   a. Transportation or land use planning;
   b. Transportation or other public sector management;
   c. Engineering;
   d. Finance;
   e. Public safety;
   f. Homeland security; or
   g. Law;

5. Shall be regular passengers of the bus or rail service of the Washington Metropolitan Area Transit Authority; and

6. Shall submit semiannual reports to the Governor by June 30 and December 31 of each year during the term of their appointment indicating:

   a. The dates of the members’ attendance at Washington Metropolitan Area Transit Authority Board of Directors meetings held since submission of the previous report and the reason for not attending any meeting held during the reporting period; and

   b. The dates of the members’ attendance at any other public meetings in their official capacity as Washington Metropolitan Area Transit Authority board members.

(5) The Secretary of Transportation shall be an ex–officio member of the Commission and is entitled to the same rights of membership as the appointed members. The Secretary of Transportation may designate in writing an alternate representative, who shall have the same rights of membership as the Secretary.
At least 1 commissioner from Prince George’s County appointed by the County Executive shall be appointed from among the members of the Prince George’s County Council. The other commissioner may be selected from among the members of the Prince George’s County Council or from qualified residents of Prince George’s County.

The County Executives may designate themselves as 1 of the commissioners from their respective counties.

Each commissioner serves at the pleasure of the respective appointing official.

Commissioners, other than the required member from the Prince George’s County Council, serve for a term of 3 years which begins on June 1. The commissioner required from the Prince George’s County Council serves while a member of the County Council, and at the pleasure of the County Executive and County Council of Prince George’s County.

Members of the Commission shall serve until their successors have been appointed and qualified.

The County Executives and the Governor shall inform the Commission of their appointments to and removals from the Commission by delivering to the Commission a certified copy of the resolution or other action making the appointment or causing the removal.

No commissioner, nor any other officer, employee, agent or consultant, shall have any interest in any person or company engaged in the business of providing public transportation in the district or within the metropolitan area in which the district is located, or in the manufacture or sale of passenger transportation equipment or facilities. No commissioner nor any agent, officer, employee or consultant thereof, shall contract with the district or be interested in, either directly or indirectly, any contract with the district or in the sale of any property, either real or personal, to the district. Any violation of this provision shall be a misdemeanor and punished as provided by law.

COMMISSIONERS ARE “PUBLIC OFFICIALS” UNDER THE MARYLAND PUBLIC ETHICS LAW AND ARE SUBJECT TO THE RESTRICTIONS AND REQUIREMENTS SET FORTH IN TITLE 15 OF THE STATE GOVERNMENT ARTICLE, ANNOTATED CODE OF MARYLAND.
SENATE BILL 323

(a) In this section, as to the Washington Suburban Transit Commission, “commissioner” includes [only] the members appointed from Prince George’s County [or] AND Montgomery County, AND THE MEMBERS APPOINTED BY THE GOVERNOR.

(b) (1) Each commissioner and each applicant for appointment to a bicounty commission shall file the financial disclosure statement required by § 15–601(a) of this title, except that:

(i) references to “business with the State” are deemed to refer to “business with the State, the appropriate bicounty commission, Montgomery County, or Prince George’s County”; and

(ii) references to “employed by the State” are deemed to refer to “employed by the State, the appropriate bicounty commission, Montgomery County, or Prince George’s County”.

(2) Except as otherwise provided in this section, the statement shall be filed as prescribed in § 15–602 of this title.

(c) The executive director of a bicounty commission shall:

(1) provide forms for the statements required by this section;

(2) make the forms available in the office of the executive director; and

(3) provide a sufficient number of forms to the chief administrative officers of Montgomery and Prince George’s counties for use by applicants and commissioners.

(d) Each commissioner shall file the statement with the chief administrative officer of the county from which the commissioner is appointed.

(e) If a commissioner of the Washington Suburban Transit Commission holds another public office and is required to file a financial disclosure statement under another State or local law, the commissioner may comply with subsection (a) of this section by submitting a copy of the statement filed in accordance with the other law. The statement shall be supplemented to include any additional information required by this section.

SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act relating to the appointment by the Governor of members of the Washington Suburban Transit Commission shall apply only to members appointed on or after the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.