

HOUSE BILL 1329

L5

2lr0102

By: **Chair, Environmental Matters Committee (By Request – Departmental – Transportation)**

Introduced and read first time: February 16, 2012

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 27, 2012

Committee Report: Favorable

House action: Adopted

Read second time: March 21, 2012

CHAPTER _____

1 AN ACT concerning

2 **Washington Suburban Transit Commission – Washington Metropolitan Area**
3 **Transit Authority Board of Directors – Membership**

4 FOR the purpose of altering the requirements for the appointment of the
5 commissioners of the Washington Suburban Transit Commission; requiring
6 that one of the appointees from Montgomery County and one of the appointees
7 from Prince George’s County shall serve as alternate members of the
8 Washington Metropolitan Area Transit Authority (WMATA) Board of Directors;
9 requiring that commissioners appointed by the Governor serve as principal
10 members of the Board; prohibiting the commissioners who serve as principal or
11 alternate members of the Board from holding certain elected offices, except
12 under certain circumstances; establishing the eligibility criteria to be met by the
13 commissioners who serve as principal or alternate members of the Board;
14 requiring the commissioners who serve as principal or alternate members of the
15 Board to be regular passengers or customers of certain services of WMATA and
16 to submit certain annual reports; requiring that certain reports cover a certain
17 period of time; altering the length of the terms of the members of the
18 Commission; requiring the terms of the commissioners to be staggered in a
19 certain manner; prohibiting a commissioner from serving more than a certain
20 number of consecutive terms; establishing a certain limit on a certain holdover
21 period; requiring certain county executives and the Governor to submit to the
22 Secretary of Transportation a certain annual letter; providing that all
23 commissioners are “public officials” for purposes of the Maryland Public Ethics

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 Law and are subject to certain restrictions and requirements; requiring certain
2 commissioners appointed by the Governor to file certain financial disclosure
3 statements; making a technical correction; terminating the terms of the
4 commissioners serving at a certain date; providing, for the purposes of certain
5 term limits, that certain terms may not be considered a full term; and generally
6 relating to the membership of the Washington Suburban Transit Commission
7 and the Washington Metropolitan Area Transit Authority Board of Directors.

8 BY repealing and reenacting, without amendments,
9 The Public Local Laws of Montgomery County
10 Section 87-1(b)
11 Article 16 – Public Local Laws of Maryland
12 (2004 Edition and January 2012 Supplement, as amended)
13 (As enacted by Chapter 3 of the Acts of the first Special Session of the General
14 Assembly of 1992)

15 BY repealing and reenacting, with amendments,
16 The Public Local Laws of Montgomery County
17 Section 87-5(a)
18 Article 16 – Public Local Laws of Maryland
19 (2004 Edition and January 2012 Supplement, as amended)
20 (As enacted by Chapter 3 of the Acts of the first Special Session of the General
21 Assembly of 1992)

22 BY repealing and reenacting, with amendments,
23 The Public Local Laws of Montgomery County
24 Section 87-10
25 Article 16 – Public Local Laws of Maryland
26 (2004 Edition and January 2012 Supplement, as amended)

27 BY repealing and reenacting, without amendments,
28 The Public Local Laws of Prince George’s County
29 Part III, Section 1(b)
30 Article 17 – Public Local Laws of Maryland
31 (2007 Edition and 2008/2009 Supplement, as amended)

32 BY repealing and reenacting, with amendments,
33 The Public Local Laws of Prince George’s County
34 Part III, Section 5(a)
35 Article 17 – Public Local Laws of Maryland
36 (2007 Edition and 2008/2009 Supplement, as amended)
37 (As enacted by Chapter 3 of the Acts of the first Special Session of the General
38 Assembly of 1992)

39 BY repealing and reenacting, with amendments,
40 The Public Local Laws of Prince George’s County
41 Part III, Section 10

1 Article 17 – Public Local Laws of Maryland
2 (2007 Edition and 2008/2009 Supplement, as amended)

3 BY repealing and reenacting, with amendments,
4 Article – State Government
5 Section 15–820
6 Annotated Code of Maryland
7 (2009 Replacement Volume and 2011 Supplement)

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

10 **Article 16 – Montgomery County**

11 87–1.

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

24 87–5.

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

26 (2) (I) The County Executive of Montgomery County shall appoint
27 2 members, subject to the confirmation of the Montgomery County Council.

28 **(II) OF THESE TWO APPOINTEES, ONE SHALL BE**
29 **DESIGNATED BY THE COUNTY EXECUTIVE TO SERVE AS AN ALTERNATE**
30 **MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**
31 **BOARD OF DIRECTORS.**

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

34 **(II) OF THESE TWO APPOINTEES, ONE SHALL BE**
35 **DESIGNATED BY THE COUNTY EXECUTIVE TO SERVE AS AN ALTERNATE**

1 **MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**
2 **BOARD OF DIRECTORS.**

3 (4) (i) The Governor shall appoint 2 members with the advice and
4 consent of the Senate of Maryland.

5 (ii) (II) One member shall be a resident of Montgomery County and
6 one member shall be a resident of Prince George's County.

7 [(ii)] (III) The Governor's appointees shall serve as the
8 Commission's appointees to **BE PRINCIPAL MEMBERS OF** the Washington
9 Metropolitan Area Transit Authority Board of Directors.

10 (5) **A COMMISSIONER SERVING AS A PRINCIPAL OR AN**
11 **ALTERNATE MEMBER ON THE WASHINGTON METROPOLITAN AREA TRANSIT**
12 **AUTHORITY BOARD OF DIRECTORS:**

13 (I) **MAY NOT HOLD ANY ELECTED OFFICE IN FEDERAL,**
14 **STATE, COUNTY, OR MUNICIPAL GOVERNMENT AT ANY TIME DURING THE TERM**
15 **OF APPOINTMENT TO THE COMMISSION, EXCEPT AS PROVIDED IN PARAGRAPH**
16 **(7) OR (8) OF THIS SUBSECTION;**

17 (II) **MAY NOT HAVE BEEN EMPLOYED BY THE WASHINGTON**
18 **METROPOLITAN TRANSIT AUTHORITY FOR AT LEAST 1 YEAR PRIOR TO**
19 **APPOINTMENT TO THE COMMISSION;**

20 (III) **SHALL HAVE EXPERIENCE IN AT LEAST ONE OF THE**
21 **FOLLOWING AREAS:**

22 1. **TRANSIT PLANNING, TRANSPORTATION**
23 **PLANNING, OR LAND USE PLANNING;**

24 2. **TRANSIT MANAGEMENT, TRANSPORTATION**
25 **MANAGEMENT, OR OTHER PUBLIC SECTOR MANAGEMENT;**

26 3. **ENGINEERING;**

27 4. **FINANCE;**

28 5. **PUBLIC SAFETY;**

29 6. **HOMELAND SECURITY;**

30 7. **HUMAN RESOURCES;**

1 8. **LAW; OR**

2 9. **KNOWLEDGE OF THE REGION'S TRANSPORTATION**
3 **ISSUES DERIVED FROM WORKING ON REGIONAL TRANSPORTATION ISSUES;**

4 (IV) **SHALL BE A REGULAR PASSENGER AND CUSTOMER OF**
5 **THE BUS, RAIL, OR PARATRANSIT SERVICES OF THE WASHINGTON**
6 **METROPOLITAN TRANSIT AUTHORITY; AND**

7 (V) **SHALL SUBMIT ANNUAL REPORTS, TO THE GOVERNOR**
8 **AND COUNTY EXECUTIVES ON OR BEFORE JANUARY 31 OF EACH YEAR DURING**
9 **THE COMMISSIONER'S TERM OF APPOINTMENT, THAT APPLY TO THE PREVIOUS**
10 **CALENDAR YEAR AND INCLUDE:**

11 1. **THE DATES OF THE COMMISSIONER'S**
12 **ATTENDANCE AT WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**
13 **BOARD OF DIRECTORS MEETINGS HELD SINCE SUBMISSION OF THE PREVIOUS**
14 **REPORT, OR THE REASONS FOR NONATTENDANCE AT THE MEETINGS, IF ANY;**

15 2. **THE DATES OF THE COMMISSIONER'S**
16 **ATTENDANCE AT ANY OTHER PUBLIC MEETINGS IN THE COMMISSIONER'S**
17 **OFFICIAL CAPACITY AS A WASHINGTON METROPOLITAN AREA TRANSIT**
18 **AUTHORITY BOARD MEMBER; AND**

19 3. **AN AFFIRMATION OF THE COMMISSIONER'S USE**
20 **OF THE BUS, RAIL, AND PARATRANSIT SERVICES OF THE WASHINGTON**
21 **METROPOLITAN AREA TRANSIT AUTHORITY SINCE SUBMISSION OF THE**
22 **PREVIOUS REPORT.**

23 [(5)] (6) **(I)** The Secretary of Transportation shall be an ex-officio
24 member of the Commission and is entitled to the same rights of membership as the
25 appointed members.

26 **(II)** The Secretary of Transportation may designate in writing
27 an alternate representative, who shall have the same rights of membership as the
28 Secretary.

29 [(6)] (7) **(I)** At least 1 commissioner from Prince George's County
30 appointed by the county executive shall be appointed from among the members of the
31 Prince George's County Council.

1 **(II)** The other commissioner may be selected from among the
2 members of the Prince George's County Council or from qualified residents of Prince
3 George's County.

4 **[(7)] (8)** The county executives may designate themselves as 1 of the
5 commissioners from their respective counties.

6 **[(8)] (9)** Each commissioner serves at the pleasure of the respective
7 appointing official.

8 **[(9)] (10) (I)** Commissioners, other than the required member from
9 the Prince George's County Council, serve for a term of **[3] 4** years, which begins on
10 **[June 1] JULY 1, AND MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.**

11 **(II) THE TERMS OF THE COMMISSIONERS, OTHER THAN THE**
12 **REQUIRED MEMBER FROM THE PRINCE GEORGE'S COUNTY COUNCIL, SHALL**
13 **BE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR COMMISSIONERS**
14 **ON OCTOBER 1, 2012.**

15 **(III)** The commissioner required from the Prince George's County
16 Council serves while a member of the county council, and at the pleasure of the
17 County Executive and County Council of Prince George's County.

18 **[(10)] (11) (I) [Members] SUBJECT TO SUBPARAGRAPH (II) OF**
19 **THIS PARAGRAPH, MEMBERS** of the Commission shall serve until their successors
20 have been appointed and qualified **OR UNTIL THE MEMBER IS REAPPOINTED BY**
21 **THE APPOINTING AUTHORITY.**

22 **(II) A MEMBER'S HOLDOVER PERIOD MAY NOT EXCEED 12**
23 **MONTHS.**

24 **[(11)] (12)** The county executives and the Governor shall inform the
25 Commission of their appointments to and removals from the commission by delivering
26 to the commission, a certified copy of the resolution or other action making the
27 appointment or causing the removal.

28 **(13) THE COUNTY EXECUTIVES AND THE GOVERNOR SHALL**
29 **SUBMIT TO THE SECRETARY OF TRANSPORTATION AN ANNUAL LETTER THAT**
30 **ESTABLISHES THE COMPENSATION FOR EACH COMMISSIONER SERVING AS A**
31 **PRINCIPAL OR ALTERNATE MEMBER OF THE WASHINGTON METROPOLITAN**
32 **AREA TRANSIT AUTHORITY BOARD OF DIRECTORS BY JULY 1 OF EACH YEAR,**
33 **BEGINNING JULY 1, 2013.**

1 **(II) OF THESE TWO APPOINTEES, ONE SHALL BE**
2 **DESIGNATED BY THE COUNTY EXECUTIVE TO SERVE AS AN ALTERNATE**
3 **MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**
4 **BOARD OF DIRECTORS.**

5 (3) **(I)** The County Executive of Prince George's County shall
6 appoint 2 members, subject to the confirmation of the Prince George's County Council.

7 **(II) OF THESE TWO APPOINTEES, ONE SHALL BE**
8 **DESIGNATED BY THE COUNTY EXECUTIVE TO SERVE AS AN ALTERNATE**
9 **MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**
10 **BOARD OF DIRECTORS.**

11 (4) (i) The Governor shall appoint 2 members with the advice and
12 consent of the Senate of Maryland.

13 **(II)** One member shall be a resident of Montgomery County and
14 1 member shall be a resident of Prince George's County.

15 [(ii)] **(III)** The Governor's appointees shall serve as the
16 Commission's appointees to **BE PRINCIPAL MEMBERS OF** the Washington
17 Metropolitan Area Transit Authority Board of Directors.

18 **(5) A COMMISSIONER SERVING AS A PRINCIPAL OR AN**
19 **ALTERNATE MEMBER ON THE WASHINGTON METROPOLITAN AREA TRANSIT**
20 **AUTHORITY BOARD OF DIRECTORS:**

21 **(I) MAY NOT HOLD ANY ELECTED OFFICE IN FEDERAL,**
22 **STATE, COUNTY, OR MUNICIPAL GOVERNMENT AT ANY TIME DURING THE TERM**
23 **OF THEIR APPOINTMENT TO THE COMMISSION, EXCEPT AS PROVIDED IN**
24 **PARAGRAPH (7) OR (8) OF THIS SUBSECTION;**

25 **(II) MAY NOT HAVE BEEN EMPLOYED BY THE WASHINGTON**
26 **METROPOLITAN TRANSIT AUTHORITY FOR AT LEAST 1 YEAR PRIOR TO**
27 **APPOINTMENT TO THE COMMISSION;**

28 **(III) SHALL HAVE EXPERIENCE IN AT LEAST ONE OF THE**
29 **FOLLOWING AREAS:**

30 1. **TRANSIT PLANNING, TRANSPORTATION**
31 **PLANNING, OR LAND USE PLANNING;**

32 2. **TRANSIT MANAGEMENT, TRANSPORTATION**
33 **MANAGEMENT, OR OTHER PUBLIC SECTOR MANAGEMENT;**

- 1 3. ENGINEERING;
- 2 4. FINANCE;
- 3 5. PUBLIC SAFETY;
- 4 6. HOMELAND SECURITY;
- 5 7. HUMAN RESOURCES;
- 6 8. LAW; OR
- 7 9. KNOWLEDGE OF THE REGION'S TRANSPORTATION
- 8 ISSUES DERIVED FROM WORKING ON REGIONAL TRANSPORTATION ISSUES;

9 (IV) SHALL BE A REGULAR PASSENGER AND CUSTOMER OF

10 THE BUS, RAIL, OR PARATRANSIT SERVICES OF THE WASHINGTON

11 METROPOLITAN TRANSIT AUTHORITY; AND

12 (V) SHALL SUBMIT ANNUAL REPORTS, TO THE GOVERNOR

13 AND COUNTY EXECUTIVES ON OR BEFORE JANUARY 31 OF EACH YEAR DURING

14 THE COMMISSIONER'S TERM OF APPOINTMENT, THAT APPLY TO THE PREVIOUS

15 CALENDAR YEAR AND INCLUDE:

16 1. THE DATES OF THE COMMISSIONER'S

17 ATTENDANCE AT WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

18 BOARD OF DIRECTORS MEETINGS HELD SINCE SUBMISSION OF THE PREVIOUS

19 REPORT, OR THE REASONS FOR NONATTENDANCE AT THE MEETINGS, IF ANY;

20 2. THE DATES OF THE COMMISSIONER'S

21 ATTENDANCE AT ANY OTHER PUBLIC MEETINGS IN THE COMMISSIONER'S

22 OFFICIAL CAPACITY AS A WASHINGTON METROPOLITAN AREA TRANSIT

23 AUTHORITY BOARD MEMBER; AND

24 3. AN AFFIRMATION OF THE COMMISSIONER'S USE

25 OF THE BUS, RAIL, AND PARATRANSIT SERVICES OF THE WASHINGTON

26 METROPOLITAN AREA TRANSIT AUTHORITY SINCE SUBMISSION OF THE

27 PREVIOUS REPORT.

28 [(5)] (6) (I) The Secretary of Transportation shall be an ex-officio

29 member of the Commission and is entitled to the same rights of membership as the

30 appointed members.

1 **(II)** The Secretary of Transportation may designate in writing
2 an alternate representative, who shall have the same rights of membership as the
3 Secretary.

4 **[(6)] (7) (I)** At least 1 commissioner from Prince George's County
5 appointed by the county executive shall be appointed from among the members of the
6 Prince George's County Council.

7 **(II)** The other commissioner may be selected from among the
8 members of the Prince George's County Council or from qualified residents of Prince
9 George's County.

10 **[(7)] (8)** The county executives may designate themselves as 1 of the
11 commissioners from their respective counties.

12 **[(8)] (9)** Each commissioner serves at the pleasure of the respective
13 appointing official.

14 **[(9)] (10) (I)** Commissioners, other than the required member from
15 the Prince George's County Council, serve for a term of **[3] 4** years, which begins on
16 **[June 1] JULY 1, AND A MAXIMUM OF TWO CONSECUTIVE TERMS.**

17 **(II) THE TERMS OF THE COMMISSIONERS, OTHER THAN THE**
18 **REQUIRED MEMBER FROM THE PRINCE GEORGE'S COUNTY COUNCIL, SHALL**
19 **BE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR COMMISSIONERS**
20 **ON OCTOBER 1, 2012.**

21 **(III)** The commissioner required from the Prince George's County
22 Council serves while a member of the county council, and at the pleasure of the
23 County Executive and County Council of Prince George's County.

24 **[(10)] (11) (I) [Members] SUBJECT TO SUBPARAGRAPH (II) OF**
25 **THIS PARAGRAPH, MEMBERS** of the commission shall serve until their successors
26 have been appointed and qualified **OR UNTIL THE MEMBER IS REAPPOINTED BY**
27 **THE APPOINTING AUTHORITY.**

28 **(II) A MEMBER'S HOLDOVER PERIOD MAY NOT EXCEED 12**
29 **MONTHS.**

30 **[(11)] (12)** The county executives and the Governor shall inform the
31 Commission of their appointments to and removals from the Commission by delivering
32 to the Commission a certified copy of the resolution or other action making the
33 appointment or causing the removal.

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

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

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

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

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

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

12 (d) (1) Each commissioner shall file the statement with the chief
13 administrative officer of the county from which the commissioner is appointed.

14 (2) **COMMISSIONERS OF THE WASHINGTON SUBURBAN TRANSIT**
15 **COMMISSION SHALL ALSO FILE A FINANCIAL DISCLOSURE STATEMENT WITH**
16 **THE STATE ETHICS COMMISSION.**

17 (e) (1) If a commissioner of the Washington Suburban Transit
18 Commission holds another public office and is required to file a financial disclosure
19 statement under another State or local law, the commissioner may comply with
20 subsection [(a)] (b) of this section by submitting a copy of the statement filed in
21 accordance with the other law.

22 (2) The statement shall be supplemented to include any additional
23 information required by this section.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the first annual reports
25 required under Article 16, § 87–5(a)(5)(v) of the Public Local Laws of Maryland and
26 Article 17 Part III, § 5(a)(5)(v) of the Public Local Laws of Maryland, both as enacted
27 by Section 1 of this Act, shall be submitted on or before January 31, 2013, and shall
28 cover the period from October 1, 2012, through December 31, 2012.

29 SECTION 3. AND BE IT FURTHER ENACTED, That:

30 (a) the terms of all members of the Washington Suburban Transit
31 Commission appointed and serving as of October 1, 2012, shall expire on June 30,
32 2013;

1 (b) the initial appointments of the members of the Washington Suburban
2 Transit Commission shall be made on July 1, 2013, and the terms of the initial
3 members, other than the required member from the Prince George’s County Council,
4 shall expire as follows:

5 (1) one commissioner who serves as a principal member of the
6 Washington Metropolitan Area Transit Authority Board of Directors, in 2017;

7 (2) one commissioner who is appointed by the County Executive of
8 Montgomery County, but who does not serve as an alternate member of the
9 Washington Metropolitan Area Transit Authority Board of Directors, in 2017;

10 (3) the commissioner who serves as an alternate member of the
11 Washington Metropolitan Area Transit Authority Board of Directors representing
12 Montgomery County, in 2016;

13 (4) one commissioner who serves as a principal member of the
14 Washington Metropolitan Area Transit Authority Board of Directors, in 2015; and

15 (5) the commissioner, other than the required member, who serves as
16 an alternate member of the Washington Metropolitan Area Transit Authority Board of
17 Directors representing Prince George’s County, in 2014; and

18 (c) for purposes of term limits, a term that is less than 3 years may not be
19 considered a full term.

20 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.