

HOUSE BILL 1137

Unofficial Copy  
R2

1998 Regular Session  
(8lr6073)

**ENROLLED BILL**

-- Commerce and Government Matters/Finance and Budget and Taxation --

Introduced by **Chairman, Commerce and Government Matters Committee**  
**(Departmental - Transportation)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Port Administration and Maryland Port Commission - Private**  
3 **Operating Companies**

4 FOR the purpose of authorizing the Maryland Port Commission to serve as the Board  
5 of Directors of certain private operating companies under certain circumstances;  
6 authorizing the Commission to appoint employees, subject to certain conditions,  
7 to perform certain services; authorizing the Commission to determine the  
8 ~~qualifications, terms of employment,~~ qualifications and other personnel policies  
9 for certain employees; providing that certain employees appointed by the  
10 Commission are State employees and eligible for State retirement and pension  
11 benefits; requiring that the Commission make a certain annual report to the  
12 Governor and the General Assembly; requiring that the Commission submit  
13 certain proposed salary changes to the Secretary of Budget and Management  
14 and that the Secretary review and provide advice with regard to the changes;  
15 requiring that the Governor's budget include certain information; and generally  
16 relating to the powers of the Maryland Port Commission.

1 BY repealing and reenacting, with amendments,  
 2 Article - Transportation  
 3 Section 6-201(b) and 6-204(q)  
 4 Annotated Code of Maryland  
 5 (1993 Replacement Volume and 1997 Supplement)

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

8 **Article - Transportation**

9 6-201.

10 (b) The Commission shall:

11 (1) Establish policies directed toward improving the competitive position  
 12 of the ports of Maryland within the international port industry;

13 (2) Adopt regulations for the operation of the Administration in a  
 14 competitive manner within the port industry;

15 (3) Exercise those powers granted to the Commission and to the  
 16 Maryland Port Administration by this title or by any other provision of law; [and]

17 (4) UNLESS OTHERWISE DIRECTED BY THE SECRETARY, SERVE AS THE  
 18 BOARD OF DIRECTORS OF ANY PRIVATE OPERATING COMPANY CREATED UNDER  
 19 THIS TITLE; AND

20 [(4)] (5) In carrying out the provisions of this subtitle, seek information  
 21 and advice from port labor and management groups.

22 6-204.

23 (q) (1) The Administration, with the approval of the Commission, may  
 24 create private operating companies for the purpose of operating public port facilities.

25 (2) (I) THE COMMISSION MAY APPOINT UP TO A TOTAL OF 12  
 26 MANAGEMENT PERSONNEL EMPLOYEES TO PERFORM SERVICES FOR ANY ALL  
 27 PRIVATE OPERATING COMPANIES CREATED UNDER THIS SUBSECTION.

28 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
 29 COMMISSION MAY DETERMINE THE QUALIFICATIONS, APPOINTMENT AND  
 30 REMOVAL, AND TERMS OF EMPLOYMENT, INCLUDING COMPENSATION AND  
 31 BENEFITS, FOR EMPLOYEES APPOINTED UNDER THIS SUBSECTION QUALIFICATIONS  
 32 AND APPOINTMENT, AS WELL AS COMPENSATION AND LEAVE, FOR EMPLOYEES  
 33 APPOINTED UNDER THIS SUBSECTION.

34 (III) AT LEAST 10 DAYS BEFORE THE EFFECTIVE DATE OF THE  
 35 CHANGE, THE COMMISSION SHALL SUBMIT TO THE SECRETARY OF BUDGET AND

1 MANAGEMENT EACH CHANGE TO THE SALARIES OF THESE EMPLOYEES THAT  
 2 INVOLVES INCREASES IN SALARY RANGES OTHER THAN THOSE ASSOCIATED WITH  
 3 GENERAL SALARY INCREASES APPROVED BY THE GENERAL ASSEMBLY.

4 (IV) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL:

5 1. REVIEW THE PROPOSED CHANGES; AND

6 2. WITHIN 10 DAYS OF RECEIPT OF THE PROPOSED  
 7 CHANGES, ADVISE THE COMMISSION WHETHER THE CHANGES WOULD HAVE AN  
 8 ADVERSE EFFECT ON SPECIAL FUND EXPENDITURES.

9 (V) FAILURE OF THE SECRETARY OF BUDGET AND MANAGEMENT  
 10 TO RESPOND IN A TIMELY MANNER IS DEEMED TO BE A STATEMENT THAT THE  
 11 CHANGE WILL HAVE NO ADVERSE EFFECT.

12 ~~(III)~~ (VI) EMPLOYEES APPOINTED UNDER THIS SUBSECTION ARE  
 13 STATE EMPLOYEES AND SHALL BE ENTITLED TO PARTICIPATE IN THE RETIREMENT  
 14 AND PENSION SYSTEMS FOR EMPLOYEES OF THE STATE OF MARYLAND AUTHORIZED  
 15 UNDER DIVISION II OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

16 ~~(IV)~~ (VII) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE  
 17 COMMISSION SHALL REPORT TO THE GOVERNOR AND THE LEGISLATIVE POLICY  
 18 COMMITTEE OF THE GENERAL ASSEMBLY ON ACTIONS TAKEN BY THE COMMISSION  
 19 UNDER THIS SUBSECTION DURING THE PREVIOUS FISCAL YEAR WITH REGARD TO  
 20 INDIVIDUALS SUBJECT TO THIS SUBSECTION.

21 (3) THE BUDGET SUBMITTED BY THE GOVERNOR TO THE GENERAL  
 22 ASSEMBLY SHALL INCLUDE PERSONNEL DETAIL FOR THE PRIVATE OPERATING  
 23 COMPANIES IN SUCH FORM AND MANNER AS PROVIDED FOR ANY AGENCY IN THE  
 24 STATE PERSONNEL MANAGEMENT SYSTEM.

25 [(2)] ~~(3)~~ (4) Employees OTHER THAN EMPLOYEES APPOINTED BY THE  
 26 COMMISSION UNDER PARAGRAPH (2) OF THIS SUBSECTION, EMPLOYEES of a private  
 27 operating company created under this subsection are not State employees.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
 29 effect July 1, 1998.