
By: **Senators Collins, Bromwell, Neall, Sfikas, and Stone**
Introduced and read first time: March 2, 1998
Assigned to: Rules

A BILL ENTITLED

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 to perform certain services;
7 authorizing the Commission to determine the qualifications, terms of
8 employment, and other personnel policies for certain employees; providing that
9 certain employees appointed by the Commission are State employees and
10 eligible for State retirement and pension benefits; and generally relating to the
11 powers of the Maryland Port Commission.

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 6-201(b) and 6-204(q)
15 Annotated Code of Maryland
16 (1993 Replacement Volume and 1997 Supplement)

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

19 **Article - Transportation**

20 6-201.

21 (b) The Commission shall:

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

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

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

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

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

6 6-204.

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

9 (2) (I) THE COMMISSION MAY APPOINT EMPLOYEES TO PERFORM
10 SERVICES FOR ANY PRIVATE OPERATING COMPANIES CREATED UNDER THIS
11 SUBSECTION.

12 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
13 COMMISSION MAY DETERMINE THE QUALIFICATIONS, APPOINTMENT AND
14 REMOVAL, AND TERMS OF EMPLOYMENT, INCLUDING COMPENSATION AND
15 BENEFITS, FOR EMPLOYEES APPOINTED UNDER THIS SUBSECTION.

16 (III) EMPLOYEES APPOINTED UNDER THIS SUBSECTION ARE STATE
17 EMPLOYEES AND SHALL BE ENTITLED TO PARTICIPATE IN THE RETIREMENT AND
18 PENSION SYSTEMS FOR EMPLOYEES OF THE STATE OF MARYLAND AUTHORIZED
19 UNDER DIVISION II OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

20 [(2)] (3) [Employees] OTHER THAN EMPLOYEES APPOINTED BY THE
21 COMMISSION UNDER PARAGRAPH (2) OF THIS SUBSECTION, EMPLOYEES of a private
22 operating company created under this subsection are not State employees.

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