

SENATE BILL 767

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R2

1998 Regular Session  
8lr2678  
CF HB 1137

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By: **Senators Collins, Bromwell, Neal, Sfikas, and Stone**

Introduced and read first time: March 2, 1998

Assigned to: Rules

Re-referred to: Finance, March 5, 1998

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 27, 1998

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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.

17 BY repealing and reenacting, with amendments,  
18 Article - Transportation  
19 Section 6-201(b) and 6-204(q)  
20 Annotated Code of Maryland  
21 (1993 Replacement Volume and 1997 Supplement)

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

1 **Article - Transportation**

2 6-201.

3 (b) The Commission shall:

4 (1) Establish policies directed toward improving the competitive position  
5 of the ports of Maryland within the international port industry;6 (2) Adopt regulations for the operation of the Administration in a  
7 competitive manner within the port industry;8 (3) Exercise those powers granted to the Commission and to the  
9 Maryland Port Administration by this title or by any other provision of law; [and]10 (4) UNLESS OTHERWISE DIRECTED BY THE SECRETARY, SERVE AS THE  
11 BOARD OF DIRECTORS OF ANY PRIVATE OPERATING COMPANY CREATED UNDER  
12 THIS TITLE; AND13 [(4)] (5) In carrying out the provisions of this subtitle, seek information  
14 and advice from port labor and management groups.

15 6-204.

16 (q) (1) The Administration, with the approval of the Commission, may  
17 create private operating companies for the purpose of operating public port facilities.18 (2) (I) THE COMMISSION MAY APPOINT UP TO A TOTAL OF 12  
19 MANAGEMENT PERSONNEL EMPLOYEES TO PERFORM SERVICES FOR ANY ALL  
20 PRIVATE OPERATING COMPANIES CREATED UNDER THIS SUBSECTION.21 (II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
22 COMMISSION MAY DETERMINE THE QUALIFICATIONS, APPOINTMENT AND  
23 REMOVAL, AND TERMS OF EMPLOYMENT, INCLUDING COMPENSATION AND  
24 BENEFITS, FOR EMPLOYEES APPOINTED UNDER THIS SUBSECTION.  
25 QUALIFICATIONS AND APPOINTMENT, AS WELL AS COMPENSATION AND LEAVE, FOR  
26 EMPLOYEES APPOINTED UNDER THIS SUBSECTION.27 (III) AT LEAST 10 DAYS BEFORE THE EFFECTIVE DATE OF THE  
28 CHANGE, THE COMMISSION SHALL SUBMIT TO THE SECRETARY OF BUDGET AND  
29 MANAGEMENT EACH CHANGE TO THE SALARIES OF THESE EMPLOYEES THAT  
30 INVOLVES INCREASES IN SALARY RANGES OTHER THAN THOSE ASSOCIATED WITH  
31 GENERAL SALARY INCREASES APPROVED BY THE GENERAL ASSEMBLY.32 (IV) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL:33 1. REVIEW THE PROPOSED CHANGES; AND34 2. WITHIN 10 DAYS OF RECEIPT OF THE PROPOSED  
35 CHANGES, ADVISE THE COMMISSION WHETHER THE CHANGES WOULD HAVE AN  
36 ADVERSE EFFECT ON SPECIAL FUND EXPENDITURES.

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

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

8                   (VII)   ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COMMISSION  
9 SHALL REPORT TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF  
10 THE GENERAL ASSEMBLY ON ACTIONS TAKEN BY THE COMMISSION UNDER THIS  
11 SUBSECTION DURING THE PREVIOUS FISCAL YEAR WITH REGARD TO INDIVIDUALS  
12 SUBJECT TO THIS SUBSECTION.

13                  (3)     THE BUDGET SUBMITTED BY THE GOVERNOR TO THE GENERAL  
14 ASSEMBLY SHALL INCLUDE PERSONNEL DETAIL FOR THE PRIVATE OPERATING  
15 COMPANIES IN THE FORM AND MANNER PROVIDED FOR AN AGENCY IN THE STATE  
16 PERSONNEL MANAGEMENT SYSTEM.

17                  [(2)]   ~~(3)~~   (4)     [Employees] OTHER THAN EMPLOYEES APPOINTED BY  
18 THE COMMISSION UNDER PARAGRAPH (2) OF THIS SUBSECTION, EMPLOYEES of a  
19 private operating company created under this subsection are not State employees.

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