
By: **Chairman, Appropriations Committee (Departmental - Transportation)**

Introduced and read first time: January 27, 1999

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Aviation Commission - Powers and Duties**

3 FOR the purpose of authorizing the Maryland Aviation Commission to determine the
4 qualifications, appointment, compensation, and leave for certain management
5 employees of the Maryland Aviation Administration; requiring that certain
6 factors be considered in making these determinations; requiring the Secretary of
7 Budget and Management to review proposed salary adjustments and make
8 certain advisements; providing that certain employees appointed by the
9 Administration are entitled to participate in State retirement and pension
10 systems; requiring certain information be submitted annually to the Maryland
11 General Assembly; and generally relating to the powers and duties of the
12 Maryland Aviation Commission.

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 5-201.1 and 5-201.2
16 Annotated Code of Maryland
17 (1993 Replacement Volume and 1998 Supplement)

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

20 **Article - Transportation**

21 5-201.1.

22 (A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
23 COMMISSION SHALL DETERMINE THE QUALIFICATIONS AND APPOINTMENT, AS
24 WELL AS COMPENSATION AND LEAVE, FOR UP TO 12 MANAGEMENT PERSONNEL
25 POSITIONS REQUIRED BY THE ADMINISTRATION TO OPERATE AND ADMINISTER ALL
26 STATE-OWNED AIRPORTS.

27 (2) (I) IN MAKING DETERMINATIONS AND APPOINTMENTS UNDER
28 THIS SUBSECTION, THE COMMISSION SHALL CONSIDER THE COMPARATIVE STATUS

1 OF EMPLOYEES SERVING IN SIMILAR POSITIONS AND DISCHARGING SIMILAR DUTIES
2 AT COMPARABLE AIRPORTS OR AERONAUTICAL AGENCIES.

3 (II) IN SELECTING COMPARABLE AIRPORTS OR AGENCIES, THE
4 COMMISSION SHALL CONSIDER OPERATIONAL AND TRAFFIC DATA, MARKET AREA
5 CHARACTERISTICS, AIRPORT OR AGENCY COMPETITIVENESS, AND ANY OTHER
6 FACTORS THE COMMISSION CONSIDERS APPROPRIATE.

7 (3) EXCEPT FOR GENERAL SALARY INCREASES APPROVED BY THE
8 GENERAL ASSEMBLY, THE COMMISSION SHALL SUBMIT TO THE SECRETARY OF
9 BUDGET AND MANAGEMENT AT LEAST 10 DAYS PRIOR TO THE EFFECTIVE DATE OF
10 ANY MANAGEMENT PERSONNEL POSITION SALARY INCREASE NOTICE OF THE
11 PROPOSED ADJUSTMENT.

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

13 (I) REVIEW THE PROPOSED ADJUSTMENT; AND

14 (II) WITHIN 10 DAYS OF RECEIPT OF THE PROPOSED ADJUSTMENT,
15 ADVISE THE COMMISSION WHETHER THE ADJUSTMENT POSES AN ADVERSE IMPACT
16 ON SPECIAL FUND EXPENDITURES.

17 (5) FAILURE OF THE SECRETARY OF BUDGET AND MANAGEMENT TO
18 ADVISE THE COMMISSION IN A TIMELY MANNER SHALL BE DEEMED A
19 DETERMINATION THAT THE PROPOSED ADJUSTMENT POSES NO ADVERSE IMPACT.

20 (6) EMPLOYEES APPOINTED UNDER THIS SUBSECTION ARE STATE
21 EMPLOYEES AND SHALL BE ENTITLED TO PARTICIPATE IN THE RETIREMENT AND
22 PENSION SYSTEMS FOR EMPLOYEES OF THE STATE OF MARYLAND AUTHORIZED
23 UNDER DIVISION II OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

24 [(a)] (B) Actions of the Commission which, in the judgment of the Chairman,
25 have an impact upon the Transportation Trust Fund are subject to the approval of the
26 Chairman.

27 [(b)] (C) The Chairman of the Commission shall:

28 (1) Based on the advice of the Commission and subject to the approval of
29 the Governor, appoint the Executive Director of the Administration in accordance
30 with § 15-501 of the State Government Article; and

31 (2) Approve the Administration's budget before its submission for the
32 Governor's approval and inclusion in the proposed budget submitted to the General
33 Assembly.

34 [(c)] (D) The Chairman of the Commission with the advice of the Commission
35 may remove the Executive Director of the Administration.

1 5-201.2.

2 (a) Subject to § 2-1246 of the State Government Article, the Commission shall
3 report by January 15 of each year to the General Assembly on the activities of the
4 Commission during the previous year.

5 (b) The report shall include:

6 (1) A review of the financial and operational results for all State-owned
7 airports during the previous year and any recommendations of the Commission for
8 future changes in legislation, capital funding, or operational flexibility; [and]

9 (2) Subject to review by the Department of Budget and Management, an
10 estimate of all expenditures necessary for the operation of the Commission. The
11 estimate shall identify staff resources allocated to the Commission that are provided
12 by the Department or other State agencies; AND

13 (3) ACTIONS TAKEN BY THE COMMISSION PURSUANT TO § 5-201.1(A) OF
14 THIS SUBTITLE, INCLUDING THE CONSIDERATION OF THE COMPARATIVE STATUS OF
15 EMPLOYEES SERVING AT COMPARABLE AIRPORTS OR AERONAUTICAL AGENCIES.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
17 effect July 1, 1999.