

HOUSE BILL 127

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1999 Regular Session
9lr0185

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

Introduced and read first time: January 27, 1999

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 1999

CHAPTER _____

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; requiring that certain compensation be limited in a certain
12 fiscal year; and generally relating to the powers and duties of the Maryland
13 Aviation Commission.

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 5-201.1 and 5-201.2
17 Annotated Code of Maryland
18 (1993 Replacement Volume and 1998 Supplement)

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

1

Article - Transportation

2 5-201.1.

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

8 (2) (I) IN MAKING DETERMINATIONS AND APPOINTMENTS UNDER
9 THIS SUBSECTION, THE COMMISSION SHALL CONSIDER THE COMPARATIVE STATUS
10 OF EMPLOYEES SERVING IN SIMILAR POSITIONS AND DISCHARGING SIMILAR DUTIES
11 AT COMPARABLE AIRPORTS OR AERONAUTICAL AGENCIES.

12 (II) IN SELECTING COMPARABLE AIRPORTS OR AGENCIES, THE
13 COMMISSION SHALL CONSIDER OPERATIONAL AND TRAFFIC DATA, MARKET AREA
14 CHARACTERISTICS, AIRPORT OR AGENCY COMPETITIVENESS, AND ANY OTHER
15 FACTORS THE COMMISSION CONSIDERS APPROPRIATE.

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

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

22 (I) REVIEW THE PROPOSED ADJUSTMENT; AND

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

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

29 (6) EMPLOYEES APPOINTED UNDER THIS SUBSECTION ARE STATE
30 EMPLOYEES AND SHALL BE ENTITLED TO PARTICIPATE IN THE RETIREMENT AND
31 PENSION SYSTEMS FOR EMPLOYEES OF THE STATE OF MARYLAND AUTHORIZED
32 UNDER DIVISION II OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

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

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

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

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

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

9 5-201.2.

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

13 (b) The report shall include:

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

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That in fiscal year 2000, a
25 salary increase for a Maryland Aviation Administration employee encumbering a
26 position specified in this Act may not exceed 4 percent of the employee's existing
27 salary in fiscal 1999.

28 ~~SECTION 2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
29 effect July 1, 1999.