

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 1208 (Delegate Pitkin)
Commerce and Government Matters

**Maryland Aviation Administration - Airport Employees and Air School Students
- Criminal Background Checks and Fingerprinting**

This bill requires the Maryland Aviation Administration (MAA) to adopt regulations that require criminal background checks and fingerprinting of all employees and contractors who work at airports in the State and all prospective and current students at air schools.

Fiscal Summary

State Effect: Minimal. If background checks are required for all MAA employees at airports, Transportation Trust Fund expenditures would increase by \$3,400 to \$9,900, depending upon whether both a State and national check is required. The exact impact cannot be reliably determined at this time and would depend on the development of regulations.

Local Effect: None.

Small Business Effect: Potential meaningful. Most of the airport contractors affected by the bill are not likely to be small businesses, except some at the smaller airports. However, flight schools, which are mostly small businesses, may be adversely affected to the extent that the requirements discourage applications. The impact depends on the regulations that are adopted.

Analysis

Current Law: Federal regulations, effective December 6, 2001, require airports to secure criminal background checks for airport employees who have or are applying for:

unescorted access authority to the Security Identification Area of an airport; authority to authorize others to have unescorted access; or employment as baggage screening.

Background: Since 1990, the Federal Aviation Administration (FAA) has required airport and aircraft operators to conduct background checks for certain employees that generally included a ten-year employment investigation; if the investigation revealed one of four elements, such as an unexplained one-year employment gap, a criminal history check by the Federal Bureau of Investigations (FBI) would be required. The FAA recently reviewed hundreds of employment investigations and found serious problems regarding their adequacy for revealing criminal history.

There are 140 airports in Maryland, including 93 privately owned and used airports that would not be largely affected by this bill.

State Expenditures: MAA employs approximately 552 people who work at the Baltimore-Washington International (BWI) or Martin State airport, including aircraft operations, maintenance, accounting, engineering, and administration personnel. The majority of these are already required to submit to a national criminal records check under federal law. MAA advises that approximately 111 employees do not require a national background check.

The bill is unclear whether both State and federal criminal background checks would be required and which entity would process the national background check, particularly for contractors. Under FAA rules, MAA must apply to the International Association of Airport Executives for a national criminal history records check for certain employees and pay a \$31 fee per employee, which includes fingerprinting. If a background check is required for each employee not covered by federal law (111), the cost would be \$3,441. If a State check is also required, the cost would increase by \$18 per person to \$9,936 for all 552 employees who currently only submit to a national check. This estimate assumes that MAA would pay for its employees' records checks and the contractors or their employees and flight school students would pay for their own.

The bill is silent regarding the treatment of any employees who do not pass the required background check; presumably, MAA may need to transfer them or terminate their employment. Accordingly, the State could incur additional expenditures.

For most other criminal background checks conducted in the State, the Criminal Justice Information System (CJIS) Central Repository collects a fee from the applicant, which pays for the service. A national background check costs \$52, which includes an \$18 fee for a State background check, a \$24 FBI fee, and \$10 for two sets of fingerprint cards. If

only a State check is required, the applicant must only pay \$18 for a background check fee and \$5 for one set of fingerprints.

The greatest impact of the bill would be on the staff of private contractors, such as food service and baggage assistance. MAA estimates that 30,000 contractors, including 24,000 at BWI, work at the commercial and public airports in the State. It is unclear what the impact on the State would be, if any, to require those contractors or a portion of them to pay for and submit to a background check. The number of current flight school students who would be required to submit to this check is unknown and the number of prospective students cannot be quantified. However, approximately 1,100 students passed the FAA pilot exam in 2001. The National Air Transportation Association advises that its membership includes 20 flight schools in the State.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Transportation, Department of Public Safety and Correctional Services, *Federal Register*, Maryland Air Transportation Association, Department of Legislative Services

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