

# SENATE BILL 85

R2

3lr0050

(PRE-FILED)

---

By: **Chair, Finance Committee (By Request – Departmental – Transportation)**

Requested: November 15, 2012

Introduced and read first time: January 9, 2013

Assigned to: Finance

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Port Commission – Management Personnel Appointments –**  
3 **Operating and Managing Port Facilities**

4 FOR the purpose of authorizing the Maryland Port Commission to determine the  
5 qualifications for appointment and the compensation and benefits for up to a  
6 certain number of management personnel positions required to operate and  
7 manage State-owned port facilities; establishing that those employees are State  
8 employees; recodifying certain provisions of law relating to management  
9 personnel employees performing services for certain private operating  
10 companies; making conforming and clarifying changes; and generally relating to  
11 management personnel and the Maryland Port Commission.

12 BY repealing and reenacting, with amendments,  
13 Article – Transportation  
14 Section 6–201.2 and 6–204(q)  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2012 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 6–201.2.

21 **(A) (1) THE COMMISSION MAY APPOINT UP TO A TOTAL OF 12**  
22 **MANAGEMENT PERSONNEL EMPLOYEES TO OPERATE AND MANAGE ALL**  
23 **STATE-OWNED PORT FACILITIES OR TO PERFORM SERVICES FOR PRIVATE**  
24 **OPERATING COMPANIES CREATED UNDER § 6–204(Q) OF THIS SUBTITLE.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE**  
2 **COMMISSION MAY DETERMINE THE QUALIFICATIONS AND APPOINTMENT, AS**  
3 **WELL AS COMPENSATION AND LEAVE, FOR EMPLOYEES APPOINTED UNDER THIS**  
4 **SUBSECTION.**

5           **(3) AT LEAST 10 DAYS BEFORE THE EFFECTIVE DATE OF THE**  
6 **CHANGE, THE COMMISSION SHALL SUBMIT TO THE SECRETARY OF BUDGET**  
7 **AND MANAGEMENT EACH CHANGE TO THE SALARIES OF THOSE EMPLOYEES**  
8 **THAT INVOLVES INCREASES IN SALARY RANGES OTHER THAN THOSE**  
9 **ASSOCIATED WITH GENERAL SALARY INCREASES APPROVED BY THE GENERAL**  
10 **ASSEMBLY.**

11           **(4) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL:**

12                   **(i) REVIEW THE PROPOSED CHANGES; AND**

13                   **(ii) WITHIN 10 DAYS OF RECEIPT OF THE PROPOSED**  
14 **CHANGES, ADVISE THE COMMISSION WHETHER THE CHANGES WOULD HAVE AN**  
15 **ADVERSE EFFECT ON SPECIAL FUND EXPENDITURES.**

16           **(5) FAILURE OF THE SECRETARY OF BUDGET AND MANAGEMENT**  
17 **TO RESPOND IN A TIMELY MANNER IS DEEMED TO BE A STATEMENT THAT THE**  
18 **CHANGE WILL HAVE NO ADVERSE EFFECT.**

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

24           **(7) THE BUDGET SUBMITTED BY THE GOVERNOR TO THE**  
25 **GENERAL ASSEMBLY SHALL INCLUDE PERSONNEL DETAIL FOR THE**  
26 **MANAGEMENT PERSONNEL POSITIONS UNDER THIS SUBSECTION IN THE FORM**  
27 **AND MANNER PROVIDED FOR AN AGENCY IN THE STATE PERSONNEL**  
28 **MANAGEMENT SYSTEM.**

29           **(8) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE,**  
30 **ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COMMISSION SHALL REPORT**  
31 **TO THE GOVERNOR AND THE LEGISLATIVE POLICY COMMITTEE OF THE**  
32 **GENERAL ASSEMBLY ON ACTIONS TAKEN BY THE COMMISSION UNDER THIS**  
33 **SUBSECTION DURING THE PREVIOUS FISCAL YEAR WITH REGARD TO**  
34 **INDIVIDUALS SUBJECT TO THIS SUBSECTION.**



1                   2.     Within 10 days of receipt of the proposed changes,  
2 advise the Commission whether the changes would have an adverse effect on special  
3 fund expenditures.

4                   (v)     Failure of the Secretary of Budget and Management to  
5 respond in a timely manner is deemed to be a statement that the change will have no  
6 adverse effect.

7                   (vi)    Employees appointed under this subsection are State  
8 employees and shall be entitled to participate in the retirement and pension systems  
9 for employees of the State of Maryland authorized under Division II of the State  
10 Personnel and Pensions Article.

11                  (vii)   On or before December 1 of each year, the Commission shall  
12 report to the Governor and the Legislative Policy Committee of the General Assembly  
13 on actions taken by the Commission under this subsection during the previous fiscal  
14 year with regard to individuals subject to this subsection.

15                  (3)     The budget submitted by the Governor to the General Assembly  
16 shall include personnel detail for the private operating companies in the form and  
17 manner provided for an agency in the State Personnel Management System.]

18                  **[(4)] (2)**     Other than employees appointed by the Commission under  
19 **[paragraph (2) of this subsection,] § 6-201.2(A) OF THIS SUBTITLE**, employees of a  
20 private operating company created under this subsection are not State employees.

21                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2013.