

**Department of Legislative Services**  
 Maryland General Assembly  
 2009 Session

**FISCAL AND POLICY NOTE**

House Bill 1574 (Delegate O'Donnell)  
 Rules and Executive Nominations

**Public Officials - Chauffeured Driving Services**

This bill prohibits a member of the General Assembly, including the President of the Senate and the Speaker of the House, from requesting, for any purpose, the use of personnel and vehicles assigned by the Department of State Police (DSP) to the Legislative Security Force for chauffeured transportation services. The bill also similarly prohibits a “public official” from requesting DSP or requiring an agency employee to provide such services in any vehicle. The prohibitions do not apply to emergency circumstances or justifiable health or medical needs circumstances. The Governor and the Lieutenant Governor are exempt from these prohibitions.

The bill takes effect July 1, 2009.

**Fiscal Summary**

**State Effect:** Expenditures for St. Mary’s College may decrease by \$8,400 annually. Any potential cost savings in State vehicle usage by other public officials are likely offset by increases in travel reimbursements under the State travel regulations. Revenues are not affected.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
Higher Ed Exp.	(8,400)	(8,400)	(8,400)	(8,400)	(8,400)
Net Effect	\$8,400	\$8,400	\$8,400	\$8,400	\$8,400

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** None.

## Analysis

**Bill Summary:** Under the bill, the term “public official” means:

- the secretary and a deputy secretary of a principal department of the Executive Branch;
- the Comptroller;
- the State Treasurer;
- the Attorney General;
- the Secretary of State;
- the Chief Judge of the Court of Appeals, the Court of Special Appeals, and the District Court;
- the Chair of the Conference of Circuit Court Judges;
- the Chief Administrative Judge of the Office of Administrative Hearings;
- the director, chair, or head of an independent regulatory commission, a quasi-public corporation created by State law, or any other independent agency in the Executive Branch; and
- the Chancellor and the President of the University System of Maryland (USM), the president of each constituent institution of higher education in USM, the President of Morgan State University, and the President of St. Mary’s College.

**Current Law:** Section 2-204 of the Public Safety Article authorizes the Secretary of State Police to: (1) establish the organization of DSP; (2) create departmental units; (3) define the functions, duties, and responsibilities of each unit; (4) periodically redefine the functions, duties, and responsibilities of any unit, whether created by the Secretary or by law; and (5) assign and reassign DSP employees to the duties, units, and regional facilities of DSP as necessary to serve departmental needs and the public.

**State Fiscal Effect:** DSP maintains two units assigned to security duty for the legislature and constitutional officers of the State: the legislative security unit and the executive security unit. **Exhibit 1** shows the corresponding personnel cost for each unit.

There are four year-round members of the legislative security unit. During the legislative session, that unit is expanded to 14 members, any of whom may be assigned driving duties. Only the President of the Senate and the Speaker of the House have troopers assigned specifically for security and driving purposes, but they are not used for these purposes on all days. Any other member of the General Assembly seeking such a service must request the service on an *ad hoc* basis and must make the request for each trip through the President or Speaker, as appropriate.

The executive security unit provides security and driving services to the Governor, Lieutenant Governor, Attorney General, Comptroller, and Treasurer. The unit consists of 28 members. Excluding the Governor and Lieutenant Governor, each of these officials has two State troopers assigned for security and driving purposes and are driven by the assigned trooper in a vehicle owned by the respective agency, not the vehicle assigned by DSP to the trooper. For security reasons, DSP cannot disclose the size of the full unit assigned to the Governor and Lieutenant Governor. However, the executive security unit does assign one trooper to the First Lady and members of the First Family each day, but they do not receive “full-time” protection.

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**Exhibit 1**  
**Personnel Cost for State Police Security Units**

	<u>Executive Security Unit</u>	<u>Legislative Security Unit</u>
<b>Troopers Assigned</b>	28	4
<b>Personnel Cost</b>		
Salaries	\$1,698,155	\$262,937
Fringe Benefits	1,049,069	157,923
<b>Total</b>	<b>\$2,747,224</b>	<b>\$420,860</b>
<b>Cost Per Trooper</b>		
Salaries	\$60,648	\$65,734
Fringe Benefits	37,467	39,481
<b>Total</b>	<b>\$98,115</b>	<b>\$105,215</b>

*Note:* During the 90-day legislative session, the number of troopers assigned to the legislative security unit increases to 14. The salary and fringe benefits attributable to the 10 additional troopers total approximately \$263,000 or \$26,300 for each trooper.

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The Department of Legislative Services (DLS) has surveyed the Judiciary, State agencies, and higher education institutions as to driving services that may be provided to “public officials.” In addition to the driving services cited above, there were seven additional instances where such a service from an employee was indicated:

- The University System of Maryland – In addition to other responsibilities, the lead maintenance mechanic provides driving services for the Chancellor and members of the Board of Regents.

- University of Maryland, College Park – Driving duties for the president are provided on an as-needed basis by available hourly employees.
- University of Maryland Eastern Shore – The contractual campus shuttle driver is expected to provide driving services for the president, which takes up an average of 10% of the employee’s time.
- The University of Maryland Biotechnology Institute – A salaried maintenance mechanic is on call for driving services for the president, which may constitute 10% of the employee’s time.
- Morgan State University – One driver position is budgeted to service all university delivery, pick-up, and driving needs. This may include driving the university president.
- St. Mary’s College – One part-time contractual position is budgeted specifically for driving the college president to meetings and events in Annapolis and other locations. For fiscal 2009, expenditures have totaled \$4,029 and are expected to be under \$10,000 at the close of the fiscal year.
- The Judiciary – During the legislative session, due to Annapolis parking difficulties, official and other employees may rely on administrative staff to provide driving services to committee meetings of the General Assembly. The driver is expected to return when the meetings are completed for the return trip.

The other higher education institutions reported no use of such transportation services. The following agencies specifically reported no use of such transportation services: Department of Budget and Management; Department of General Services; Department of Health and Mental Hygiene; Department of Housing and Community Development; Department of Human Resources; Department of Juvenile Services; Department of Labor, Licensing, and Regulation; Department of Natural Resources; Maryland Department of Planning; Maryland Higher Education Commission; Maryland State Department of Education; and Office of Administrative Hearings.

The potential cost savings under the bill is difficult to accurately quantify. It is assumed that State troopers currently assigned to either the executive or legislative security unit may stay with the current unit or be reassigned to other duties, including law enforcement duties. To the extent the prohibition reduces the number of troopers assigned to either security unit, State expenditures may decrease. On average, the personnel-related cost for a typical State trooper is approximately \$100,000, which includes salary and fringe benefits. DSP reports that, because the assigned troopers are also required to provide security, it is likely that each assigned trooper would have to accompany each of these officials on the same number of trips.

Under the prohibition, the Speaker of the House and the President of the Senate, as well as the cited constitutional officers, would continue to be entitled to travel/mileage expense reimbursements under the standard State travel regulations if they used their personal vehicles. In addition, all members of the General Assembly are entitled to receive a \$500 in-district travel allowance, which is taxable income.

All other public officials would also be entitled to travel/mileage expense reimbursements for personal vehicle use under the standard State travel regulations. It is assumed that employees currently assigned to driving duties for these officials would have that portion of their time currently used to drive the officials reassigned within their current employment responsibilities. It is also assumed that, in many instances, agency heads attend meetings with other key professional and support staff and, in so doing, share and pool travel requirements.

St. Mary's College is approximately 72 miles from Annapolis. Because the bill disallows the current use of a part-time contractual driver, the college will experience a savings under the bill. At the current mileage reimbursement rate of \$0.55 per mile, 10 round trips to Annapolis from St. Mary's College yields a mileage reimbursement to the college president of about \$790. Assuming additional trips to Annapolis or other locations that could double such reimbursements, the total annual costs could approach \$1,600. Accordingly, since the college now spends nearly \$10,000 annually for driving services, the college will have a decrease in annual expenditures of about \$8,400.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Budget and Management; Comptroller's Office; Department of State Police; University System of Maryland; Saint Mary's College; Morgan State University; Department of Health and Mental Hygiene; Department of Housing and Community Development; Department of Labor, Licensing, and Regulation; Maryland Department of Planning; Department of Natural Resources; Department of General Services; Department of Human Resources; Department of Juvenile Services; Maryland State Department of Education; Maryland Higher Education Commission; Office of Administrative Hearings, Department of Legislative Services

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