

HOUSE BILL 989

P4, M1

0lr2387
CF SB 660

By: **Delegates Proctor and Vallario**

Introduced and read first time: February 12, 2010

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Natural Resources Law Enforcement Officers –**
3 **Appointment to Major or Lieutenant Colonel**

4 FOR the purpose of authorizing the Secretary of Natural Resources to appoint a
5 certain law enforcement officer to the rank of Major or Lieutenant Colonel
6 without examination; establishing that a certain law enforcement officer
7 appointed in accordance with certain provisions of this Act continues to serve at
8 the pleasure of the Secretary; providing that on termination of a certain
9 appointment, a certain law enforcement officer may return to a certain rank or
10 be promoted to a certain higher rank under certain circumstances; establishing
11 that in cases of inconsistency between certain provisions of this Act and certain
12 other provisions of law, certain provisions of this Act shall control as to certain
13 matters; making certain conforming changes; providing for the application of
14 certain provisions of this Act; and generally relating to law enforcement officers
15 of the Department of Natural Resources.

16 BY adding to
17 Article – Natural Resources
18 Section 1–107
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2009 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Natural Resources
23 Section 1–203 and 5–206
24 Annotated Code of Maryland
25 (2005 Replacement Volume and 2009 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Natural Resources

1–107.

(A) THIS SECTION APPLIES TO NATURAL RESOURCES POLICE OFFICERS AND EMPLOYEES COMMISSIONED AS LAW ENFORCEMENT OFFICERS OF THE STATE FOREST AND PARK SERVICE.

(B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SECRETARY MAY APPOINT WITHOUT EXAMINATION:

(I) A LAW ENFORCEMENT OFFICER WHO HOLDS A COMMISSIONED RANK TO THE RANK OF MAJOR; AND

(II) A LAW ENFORCEMENT OFFICER WHO HOLDS A COMMISSIONED RANK OF NOT LESS THAN CAPTAIN TO THE RANK OF LIEUTENANT COLONEL.

(2) A LAW ENFORCEMENT OFFICER APPOINTED IN ACCORDANCE WITH THIS SUBSECTION CONTINUES TO SERVE AT THE PLEASURE OF THE SECRETARY.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ON TERMINATION OF AN APPOINTMENT UNDER THIS SUBSECTION, THE LAW ENFORCEMENT OFFICER MAY:

(I) RETURN TO THE RANK HELD BEFORE THE APPOINTMENT; OR

(II) BE PROMOTED TO A HIGHER RANK TO WHICH THE LAW ENFORCEMENT OFFICER BECAME ELIGIBLE FOR PROMOTION DURING THE APPOINTMENT.

(C) IN CASES OF INCONSISTENCY BETWEEN THIS SECTION AND THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE PROVISIONS OF THIS SECTION SHALL CONTROL AS TO ALL MATTERS RELATING TO THE APPOINTMENT OF A LAW ENFORCEMENT OFFICER OF THE DEPARTMENT TO THE RANK OF MAJOR OR LIEUTENANT COLONEL.

1–203.

(a) The Secretary shall, within the limits of any appropriation made for this purpose, appoint Natural Resources police officers as the Secretary deems necessary for the efficient administration of the Natural Resources Police Force. All

1 appointments shall be made from a list of eligible persons prepared in accordance with
2 the provisions of the State Personnel and Pensions Article.

3 (b) The Secretary shall issue to each person appointed as Natural Resources
4 police officer a commission and badge stating “Natural Resources Police Officer”.

5 (c) Except when on detective duty, every Natural Resources police officer
6 shall wear in plain view a “Natural Resources Police Officer” badge when acting in his
7 official capacity.

8 (d) The badge is property of the State, and upon the termination of a
9 commission of any Natural Resources police officer, it shall be returned with the
10 commission to the Secretary.

11 (e) All Natural Resources police officers, including persons appointed for
12 training prior to regular assignment as a Natural Resources police officer, shall
13 remain in a probationary status for a period of 2 years from the date of initial
14 appointment to the Natural Resources Police Force. The Secretary may discharge an
15 employee in probationary status for any cause which is deemed sufficient in the sole
16 discretion of the Secretary.

17 (f) **[In] SUBJECT TO § 1–107 OF THIS ARTICLE, IN** cases of inconsistency
18 between this subtitle and the provisions of the State Personnel and Pensions Article,
19 the provisions of this subtitle shall control as to all matters relating to the Natural
20 Resources Police Force.

21 5–206.

22 (a) The Secretary may commission any person to act as a forest or park
23 warden, subject to removal at any time at the pleasure of the Secretary. While holding
24 office, a warden has and may exercise the authority and power of a Natural Resources
25 police officer or a law enforcement officer as provided in his commission so far as
26 arresting and prosecuting persons for violations of any forest or park laws or of the
27 laws, rules and regulations enacted for the protection of the State forestry
28 reservations, State parks, historic monuments, recreation areas, or for the protection
29 of fish and game.

30 (b) The Secretary shall, within the limits of any appropriation made for this
31 purpose, commission forest, park, and wildlife rangers as the Secretary deems
32 necessary for the enforcement of laws and regulations as provided in this subsection.
33 All appointments shall be made from a list of eligible persons prepared in accordance
34 with the provisions of the State Personnel and Pensions Article. An employee so
35 commissioned and assigned law enforcement duties has and may exercise the powers
36 of a Natural Resources police officer or a law enforcement officer of the State. These
37 powers may be exercised upon:

38 (1) Properties owned by the State and managed by the Department;

1 (2) Railroad rights-of-way and utility properties which are not owned
2 by the State, but which traverse properties owned by the State and managed by the
3 Department;

4 (3) All public and private properties which are within the boundaries
5 of State properties managed by the Department;

6 (4) All waters of the State within one mile of the shoreline of all
7 properties owned by the Department;

8 (5) All public and private property adjoining property owned by the
9 State and managed by the Department;

10 (6) All park property in Maryland owned by the federal government;

11 (7) All roadways within the boundaries of or that portion of roadway
12 adjoining properties owned by the State and managed by the Department; and

13 (8) Any property in Maryland for the purpose of executing a warrant
14 that has resulted from law enforcement activities on property on which a forest, park,
15 and wildlife ranger may exercise law enforcement powers.

16 (c) In exercising the powers granted under subsection (b) of this section, the
17 law enforcement officer shall make every attempt to minimize delay of the operations
18 of railroads and all utilities.

19 (d) Unless the Department has a signed memorandum of understanding with
20 the law enforcement agency with primary jurisdiction over the property, a forest, park,
21 and wildlife ranger may not exercise law enforcement powers under the provisions of
22 subsection (b)(3) and (5) of this section.

23 (e) All forest, park, and wildlife rangers, including persons appointed for
24 training prior to regular assignment as a ranger, shall remain in a probationary status
25 for a period of 2 years from the date of initial appointment. The Secretary may
26 discharge an employee in probationary status for any cause which is deemed sufficient
27 in the sole discretion of the Secretary.

28 (f) (1) Whenever Natural Resources police officers receive a salary
29 increase, forest and park rangers in the State Forest and Park Service shall receive a
30 salary increase in the same percentage as the salary increase received by Natural
31 Resources police officers.

32 (2) Whenever Natural Resources police officers receive a grade or step
33 increase, forest and park rangers in the State Forest and Park Service shall receive an
34 equal grade or step increase.

1 (g) [In] **SUBJECT TO § 1-107 OF THIS ARTICLE**, IN cases of inconsistency
2 between this subtitle and the provisions of the State Personnel and Pensions Article,
3 the provisions of this subtitle shall control as to all matters relating to Natural
4 Resources law enforcement officers.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2010.