

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2010

CHAPTER _____

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, the Secretary may return a certain law enforcement officer ~~may~~
10 ~~return~~ to a certain ~~rank~~ vacant position or ~~be promoted~~ promote the law
11 enforcement officer to a certain higher rank under certain circumstances;
12 establishing that in cases of inconsistency between certain provisions of this Act
13 and certain other provisions of law, certain provisions of this Act shall control as
14 to certain matters; making certain conforming changes; providing for the
15 application of certain provisions of this Act; and generally relating to law
16 enforcement officers of the Department of Natural Resources.

17 BY adding to

18 Article – Natural Resources

19 Section 1–107

20 Annotated Code of Maryland

21 (2005 Replacement Volume and 2009 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Natural Resources

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Section 1–203 and 5–206
Annotated Code of Maryland
(2005 Replacement Volume and 2009 Supplement)

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

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~~ SECRETARY MAY:

(I) ~~RETURN TO THE RANK HELD BEFORE THE~~
~~APPOINTMENT~~ THE LAW ENFORCEMENT OFFICER TO A VACANT LAW
ENFORCEMENT OFFICER POSITION; OR

(II) ~~BE PROMOTED~~ PROMOTE THE LAW ENFORCEMENT
OFFICER 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 appointments shall be made from a list of eligible persons prepared in accordance with the provisions of the State Personnel and Pensions Article.

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

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

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

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

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

5–206.

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

(b) The Secretary shall, within the limits of any appropriation made for this purpose, commission forest, park, and wildlife rangers as the Secretary deems

1 necessary for the enforcement of laws and regulations as provided in this subsection.
2 All appointments shall be made from a list of eligible persons prepared in accordance
3 with the provisions of the State Personnel and Pensions Article. An employee so
4 commissioned and assigned law enforcement duties has and may exercise the powers
5 of a Natural Resources police officer or a law enforcement officer of the State. These
6 powers may be exercised upon:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.