

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 989
Appropriations

(Delegates Proctor and Vallario)

Education, Health, and Environmental Affairs
and Finance

**State Personnel - Natural Resources Law Enforcement Officers - Appointment to
Major or Lieutenant Colonel**

This bill authorizes the Secretary of Natural Resources to appoint without examination a (1) Department of Natural Resources (DNR) law enforcement officer (LEO) who holds a commissioned rank to the rank of major; and (2) a DNR LEO who holds a commissioned rank of not less than captain to the rank of lieutenant colonel. These appointed LEOs must continue to serve at the pleasure of the Secretary of Natural Resources. Upon termination of an appointment, the Secretary may return the LEO to a vacant LEO position or promote the LEO to a higher rank to which the LEO became eligible for promotion during the appointment. If there is inconsistency between provisions in the bill and the State Personnel and Pensions Article, the bill's provisions must control as to all matters relating to the appointment of a DNR LEO to the rank of major or lieutenant colonel.

Fiscal Summary

State Effect: The bill does not materially affect governmental finances. The bill is generally consistent with DNR's existing promotion policies and procedures.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: The Secretary of Natural Resources must, within the limits of any appropriation made for this purpose, appoint natural resources police officers deemed necessary for the efficient administration of the Natural Resources Police (NRP). All appointments must be made from a list of eligible persons prepared in accordance with the provisions of the State Personnel and Pensions Article.

In the Public Safety Article, there are provisions governing promotion of Maryland State Police (MSP) employees to the rank of major or lieutenant colonel similar to those in the bill. However, generally, the State Personnel and Pensions Article does not apply to or affect the compensation, rank, grade, or status of MSP police employees.

Background: DNR's NRP serves as a public safety agency with statewide authority to enforce all conservation, boating, and criminal laws, as well as to provide primary law enforcement services for State parks, State forests, and public lands owned by DNR. NRP is also responsible for maritime and rural search and rescue, and is designated as the State's lead agency for homeland security on Maryland waters. DNR had 198 LEOs in fiscal 2009 and plans to add 18 more in fiscal 2010 for a total of 216 LEOs.

DNR advises that it has policies and procedures in place for the appointment of officers to the rank of major and lieutenant colonel. The NRP superintendent makes such appointments after seeking the approval of the Secretary of Natural Resources or the Deputy Secretary of Natural Resources as well as the Office of Equal Employment Opportunity. DNR advises that a written and oral examination is required to be appointed to the rank of corporal and sergeant; however, promotions to the rank of:

- lieutenant colonel and major are made at the pleasure of the Secretary of Natural Resources without an examination;
- captain are made on the basis of experience and involve submission of information detailing professional experiences in specified areas; and
- lieutenant are made via interview with a board comprising law enforcement personnel recruited from allied agencies.

Additional Information

Prior Introductions: None.

Cross File: SB 660 (Senator Klausmeier) - Finance and Education, Health, and Environmental Affairs.

Information Source(s): Department of Budget and Management, Department of Natural Resources, Department of Legislative Services

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