

**Department of Legislative Services**  
Maryland General Assembly  
2022 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 605  
Appropriations

(Delegate Reznik, *et al.*)

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**Natural Resources Police Force - Hiring and Promotion Plan - Requirement**

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This bill establishes the intent of the General Assembly that, by September 30, 2027, the composition of the Natural Resources Police Force (NRP) reflect the demographics of the State to the extent practicable. The Department of Natural Resources (DNR), in consultation with NRP, must develop, implement, and adhere to a specified hiring and promotion plan to achieve this goal. DNR must complete and publish the hiring and promotion plan by October 1, 2023, and may not initiate or continue any promotion process for NRP before the publication of the plan. DNR must report to the Senate Education, Health, and Environmental Affairs and House Environment and Transportation committees by December 1 annually in 2023 through 2027 on the implementation status of the hiring and promotion plan. The Secretary of Natural Resources must direct the Comptroller to withhold \$500,000 from DNR if DNR fails to meet the bill's publication and reporting requirements.

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**Fiscal Summary**

**State Effect:** General fund expenditures for DNR increase beginning as early as FY 2023, as discussed below. In the event that the required hiring and promotion plan is not completed and published until FY 2024, NRP personnel expenditures and operations are potentially affected to the extent that promotions are delayed, as discussed below. No effect on revenues.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The hiring and promotion plan developed under the bill must establish the goals that (1) by October 1, 2024, NRP achieve an improvement of at least 20% each year in representative composition compared to 2021 State demographics and (2) NRP be representative of State demographics for the immediately preceding calendar year. NRP must provide a copy of the plan to the NRP Black Officers Association, the Senate Education, Health, and Environmental Affairs Committee, and the House Environment and Transportation Committee.

Beginning in 2023, the Superintendent of NRP and the directors of DNR's Human Resources Services and Office of Fair Practices must meet annually on or around June 1 to discuss the progress of the hiring and promotion plan implemented under the bill and request that the officers of the NRP Black Officers Association attend the meeting.

**Current Law:** NRP is a public safety agency with statewide authority to enforce conservation, boating, and criminal laws. NRP serves as the lead agency for maritime homeland security on State waterways and is responsible for providing maritime and rural search and rescue services, public education in hunting, boating, and water safety, and primary law enforcement for State parks, State forests, wildlife management areas, and public lands owned and managed by DNR.

The Secretary of Natural Resources is responsible for appointing NRP officers as deemed necessary for the efficient administration of 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. All NRP officers, including those appointed for training prior to regular assignment as an NRP officer, must remain in probationary status for two years from the date of initial appointment, and the Secretary may discharge an employee in probationary status for any cause, at the Secretary's sole discretion.

The Secretary may appoint without examination (1) an officer who holds a commissioned rank to the rank of major and (2) an officer who holds a commissioned rank of not less than captain to the rank of lieutenant colonel.

### *Appointments in the Skilled and Professional Services*

Title 7, Subtitle 2 of the State Personnel and Pensions Article establishes various requirements that apply to appointments in the skilled and professional services within the State Personnel Management System (SPMS). Generally, an appointing authority must fill a vacant skilled or professional service position in accordance with a specified position selection plan. However, an appointing authority may forego the SPMS position selection plan and recruit for a skilled or professional service position if the appointing authority

decides to recruit for the position, the position is difficult to fill, the recruitment must occur in a timely manner, and the Department of Budget and Management (DBM) is notified. Appointments must be made from a list of eligible candidates in accordance with specified requirements.

### *Equal Opportunity Employment Program*

Title 5, Subtitle 2 of the State Personnel and Pensions Article establishes the Equal Employment Opportunity (EEO) program in the Executive Branch, under the authority of the Secretary of Budget and Management, for the purpose of ensuring a merit-based system that provides equal opportunity in employment on the basis of merit and fitness. The EEO Coordinator, appointed by the Governor with the advice and consent of the Joint Committee on Fair Practices and Personnel Oversight, must administer the program and investigate and resolve complaints.

*Fair Practices and Equal Employment Opportunity Officers:* The head of each principal unit must appoint a fair practices officer who reports directly to the head of the unit and is an assistant secretary or employee of the unit with stature similar to that of an assistant secretary. The head of each principal unit must also appoint an appropriate number of EEO officers for the unit. If necessary, the fair practices officer of a unit may also be the unit's EEO officer. DBM must provide training, assistance, and advice for EEO officers and fair practices officers.

Each fair practices officer is responsible for implementing the EEO program within the unit, investigating and resolving complaints, and coordinating EEO officer activities. An EEO officer is responsible for monitoring all personnel actions adopted by the unit, attesting that EEO procedures were followed by the unit in personnel actions, and performing other assigned duties.

*Annual Report:* For each fiscal year, each Executive Branch unit must submit an annual report to the coordinator by the following October 15 on the activities the unit undertook in that fiscal year to implement the EEO program, including information about personnel practices within the unit and a summary of complaints filed, investigated, resolved, and pending. Each unit must also provide a copy of the annual report to the Maryland Commission on Civil Rights.

**State Expenditures:** As discussed above, the bill requires DNR to develop and implement a specified hiring and promotion plan in consultation with NRP; the plan must be completed and published by October 1, 2023. The bill further specifies that DNR may not initiate or continue any promotion process for NRP before the publication of the required hiring and promotion plan.

NRP advises that it is in the process of developing a hiring and promotion plan, as contemplated in the bill, and anticipates completion of the plan in advance of the bill's October 1, 2023 deadline, potentially by fall 2022. Thus, it is assumed that the required plan is completed and published in early fiscal 2023 (especially given that the bill prohibits DNR from initiating or continuing any promotion process for NRP prior to the publication of the required plan). Accordingly, general fund expenditures for DNR increase beginning as early as fiscal 2023 in order to enhance recruitment activities and otherwise implement the plan established under the bill. *Under one set of assumptions*, DNR projects annual costs of approximately \$100,000 to contract with a vendor specializing in police recruitment marketing. Any such costs, however, depend on the details of the plan established under the bill.

In the event that the required plan is not completed and published until fiscal 2024, personnel expenditures for NRP likely decrease in fiscal 2023 to the extent that promotions that would otherwise occur in fiscal 2023 are delayed to fiscal 2024. Further, NRP operations are likely significantly affected to the extent that the bill limits its ability to fill vacancies.

This fiscal and policy note assumes compliance with the bill's publication and reporting requirements. However, to the extent that the Secretary must order the Comptroller to withhold funds from DNR due to noncompliance, the Comptroller's Office can do so with existing budgeted resources.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Commission on Civil Rights; Department of Budget and Management; Department of Natural Resources; Department of Legislative Services

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Analysis by: Elizabeth J. Allison

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510