

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 673

(Senator Bailey)

Judicial Proceedings

Appropriations

Natural Resources Police Force - Employees - Authority of Secretary

This bill alters the authority of the Secretary of Natural Resources with respect to the hiring and promotion of employees of the Natural Resources Police Force (NRP). Except as otherwise specified, the State Personnel and Pensions Article does not apply to or affect the compensation, rank, grade, or status of NRP officers. When advertising for or recruiting new NRP officers, the Department of Natural Resources (DNR) must include advertising that is targeted toward racial and ethnic communities or other individuals who are underrepresented in the NRP workforce. NRP must take all necessary actions to pursue diversity within its sworn and civilian ranks, including establishing a diversity study group to identify barriers to diverse employment within NRP and propose corrective actions. NRP must develop and periodically update an action plan to diversify its workforce based on the recommendations of the diversity study group and report to the General Assembly by December 1, 2022, on the action plan. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: General fund expenditures for DNR increase by an estimated \$100,000 annually beginning in FY 2023, which does not include (1) any effect on NRP personnel expenditures resulting from the Secretary’s independent salary-setting authority established by the bill or (2) any expenses associated with implementation of the required action plan to be developed by NRP, as discussed below. Revenues are not affected.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	100,000	100,000	100,000	100,000	100,000
Net Effect	(\$100,000)	(\$100,000)	(\$100,000)	(\$100,000)	(\$100,000)

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

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill's provisions are generally modeled on provisions of the Public Safety Article that govern the hiring and promotion of employees of the Department of State Police (DSP), as well as language in the fiscal 2022 budget bill (Chapter 357 of 2021) requiring DSP to develop a specified action plan to improve diversity within DSP's workforce.

Appointment of Employees

As noted above, under the bill, the State Personnel and Pensions Article generally does not apply to or affect the compensation, rank, grade, or status of NRP officers. However, the compensation, civilian classification, and status of civilian employees of NRP must be determined in accordance with the State Personnel and Pensions Article, except as otherwise specified. Each appointee to NRP must have the character, education, and other qualifications established by the Secretary. The bill repeals the requirement that all appointments of NRP officers be made from a list of eligible persons prepared in accordance with the provisions of the State Personnel and Pensions Article.

Advertising and Recruitment

When advertising for or recruiting new NRP officers, DNR must include advertising that is targeted toward racial and ethnic communities or other individuals who are underrepresented in the NRP workforce, including advertising in newspapers or on radio stations whose primary audience is the underrepresented communities and individuals. The Secretary may contract with an outside vendor to assist in carrying out this requirement.

Required Action Plan and Related Report

NRP must take all necessary actions to pursue diversity within its sworn and civilian ranks so that it reflects the demographics of the State to the extent practicable, including:

- expanding and diversifying the Natural Resources Police Academy applicant pool by strengthening the Natural Resources Police Cadet Program and increasing recruiting efforts at historically black colleges and universities; and
- establishing a diversity study group to review departmental recruitment procedures, identify barriers to diverse employment within the ranks of NRP, and propose corrective actions.

NRP must develop an action plan to diversify its workforce based on the recommendations of the diversity study group. The Secretary must ensure that all hiring and promotion are

consistent with the action plan developed under the bill. DNR must publish the action plan on its website and evaluate and update the action plan at least every three years. By December 1, 2022, NRP must report to the General Assembly on the required action plan. The report must include specified information, including specific measurable goals for achieving diversity among sworn and civilian employees and a date or dates by which NRP must meet the goals.

Promotions

The Secretary must make all promotions. Promotion to a rank must be made in the manner required by rule. (“Rank” is defined as the status, established by rule, of police employees who have the same relative position in the chain of command.) For a noncommissioned rank that has fewer than 25 NRP officers, the Secretary may, by rule, direct that it is unnecessary to fill the noncommissioned rank for purposes of promotion. (“Commissioned rank” is defined as the ranks of lieutenant, captain, major, and lieutenant colonel; “noncommissioned rank” means a rank other than a commissioned rank and does not include the Secretary.)

With the exception of a rank that requires technical knowledge, an NRP officer may not be appointed or promoted to a rank unless the officer (1) is bypassing an obsolete rank and currently fills the rank immediately below the obsolete rank or (2) has filled the rank immediately below the rank to which the officer is to be promoted. “Obsolete rank” means a rank designated by the Secretary to which no further promotions will be made. An incumbent NRP officer in an obsolete rank remains in that rank until promoted, demoted, retired, or terminated. Promotions of civilian employees of NRP must be made in accordance with the State Personnel and Pensions Article.

Existing provisions of law relating to the promotion of officers to the ranks of major and lieutenant colonel are retained under the bill. Accordingly, the Secretary may appoint without examination (1) an NRP officer who holds a commissioned rank to the rank of major and (2) an NRP officer who holds a commissioned rank of not less than captain to the rank of lieutenant colonel. An NRP officer appointed in this manner continues to serve at the pleasure of the Secretary. On termination of appointment to the rank of major or lieutenant colonel, the NRP officer may return to the rank held before the appointment or be promoted to a higher rank to which the officer became eligible for promotion during the appointment.

Finally, the bill modifies existing provisions of law relating to the promotion of commissioned law enforcement officers of the State Forest and Park Service to specify that, on termination of an appointment to the rank of major or lieutenant colonel, the Secretary of Natural Resources may return the law enforcement officer to *the rank that the*

officer held before the appointment (instead of a vacant law enforcement officer position, as specified under current law).

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, within the limits of any appropriation made for this purpose. 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 NRP officer or commissioned law enforcement officer of the State Forest and Park Service 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. An officer appointed in this manner continues to serve at the pleasure of the Secretary. On termination of the appointment, the Secretary may return the law enforcement officer to a vacant law enforcement officer position or promote the officer to a higher rank to which the officer became eligible for promotion during the appointment. (*Under the bill, the Secretary may, on termination of the appointment, promote the officer to a higher rank, as specified under existing law, or return the law enforcement officer to the rank that the law enforcement officer held before the appointment.*)

State Expenditures: Among other things, the bill requires DNR, when advertising for or recruiting new NRP officers, to include advertising that is targeted toward racial and ethnic communities or other individuals who are underrepresented in the NRP workforce, including advertising in newspapers or on radio stations whose primary audience is the underrepresented communities and individuals. DNR anticipates annual costs of approximately \$100,000 to contract with a vendor specializing in police recruitment marketing. Thus, general fund expenditures increase by an estimated \$100,000 annually beginning in fiscal 2023 (reflecting the bill's July 1, 2022 effective date).

The bill further establishes that the State Personnel and Pensions Article generally does not apply to or affect the compensation, rank, grade, or status of NRP officers. To the extent

that, under the bill, DNR develops and implements a pay plan for NRP officers that differs from the existing standard salary schedule for State and Natural Resources police, NRP personnel expenditures are potentially affected. Any such impact cannot be reliably anticipated.

Otherwise, it is assumed that NRP can establish the diversity study group, develop and periodically update the specified action plan, and report to the General Assembly on the action plan as required under the bill with existing budgeted resources. This analysis does not reflect any costs that may be associated with the implementation of the action plan developed by NRP under the bill.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Budget and Management; Department of Natural Resources; Office of Administrative Hearings; Department of Legislative Services

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