

Department of Legislative Services
2012 Session

FISCAL AND POLICY NOTE

House Bill 413 (Delegate O'Donnell)
Health and Government Operations

Public Officials - Chauffeured Transportation Services

This bill prohibits a member of the General Assembly, including the President of the Senate and the Speaker of the House, from requesting, for any purpose, the use of personnel and vehicles assigned by the Department of State Police (DSP) to the Legislative Security Force for chauffeured transportation services. The bill also similarly prohibits a “public official” from requesting DSP or requiring an agency employee to provide such services in any vehicle. The prohibitions do not apply to emergency circumstances or justifiable health or medical needs circumstances. The Governor and the Lieutenant Governor are exempt from these prohibitions.

The bill takes effect July 1, 2012.

Fiscal Summary

State Effect: Minimal. Any potential cost savings in State vehicle usage by public officials may be offset by increases in travel reimbursements under the State travel regulations. State expenditures may decrease to the extent that positions assigned to either the executive or legislative security units are reduced and not reassigned within DSP. On average, the personnel-related cost for a typical State trooper is approximately \$100,000, which includes salary and fringe benefits. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: Under the bill, the term “public official” means:

- the secretary and a deputy secretary of a principal department of the Executive Branch;
- the Comptroller;

- the State Treasurer;
- the Attorney General;
- the Secretary of State;
- the Chief Judge of the Court of Appeals, the Court of Special Appeals, and the District Court;
- the Chair of the Conference of Circuit Court Judges;
- the Chief Administrative Judge of the Office of Administrative Hearings;
- the director, chair, or head of an independent regulatory commission, a quasi-public corporation created by State law, or any other independent agency in the Executive Branch; and
- the Chancellor and the President of the University System of Maryland (USM), the president of each constituent institution of higher education in USM, the President of Morgan State University, and the President of St. Mary's College.

Current Law: Section 2-204 of the Public Safety Article authorizes the Secretary of State Police to (1) establish the organization of DSP; (2) create departmental units; (3) define the functions, duties, and responsibilities of each unit; (4) periodically redefine the functions, duties, and responsibilities of any unit, whether created by the Secretary or by law; and (5) assign and reassign DSP employees to the duties, units, and regional facilities of DSP as necessary to serve departmental needs and the public.

Background: DSP maintains two units assigned to security duty for the legislature and constitutional officers of the State: the legislative security unit and the executive security unit. **Exhibit 1** shows the corresponding personnel cost for each unit.

There are four year-round members of the legislative security unit. During the legislative session, that unit is expanded to 14 members, any of whom may be assigned driving duties. Only the President of the Senate and the Speaker of the House have State troopers assigned specifically for security and driving purposes, but they are not used for these purposes on all days. Any other member of the General Assembly seeking such a service must request the service on an *ad hoc* basis and must make the request for each trip through the President or Speaker, as appropriate.

The executive security unit provides security and driving services to the Governor, Lieutenant Governor, Attorney General, Comptroller, and Treasurer. The unit consists of 32 members. Excluding the Governor and Lieutenant Governor, each of these officials has two State troopers assigned for security and driving purposes and are driven by the assigned trooper in a vehicle owned by the respective agency, not the vehicle assigned by DSP to the trooper. For security reasons, DSP cannot disclose the size of the full unit assigned to the Governor and Lieutenant Governor.

Exhibit 1
Personnel Cost for State Police Security Units
Fiscal 2011

	<u>Executive Security Unit</u>	<u>Legislative Security Unit</u>
Troopers Assigned	32	4
Personnel Cost		
Salaries	\$1,901,719	\$272,343
Fringe Benefits	1,249,429	178,929
Total	\$3,151,148	\$451,272
Cost Per Trooper		
Salaries	\$59,429	\$68,086
Fringe Benefits	39,045	44,732
Total	\$98,474	\$112,818

Note: During the 90-day legislative session, the number of troopers assigned to the legislative security unit increases to 14. The salary and fringe benefits attributable to the 10 additional troopers total approximately \$263,000 or \$26,300 for each trooper.

The Department of Legislative Services (DLS) has surveyed the Judiciary, State agencies, and higher education institutions in 2010, 2011, and 2012 as to driving services that may be provided to “public officials.” In addition to the driving services cited above, there were nine additional instances where such a service from an employee was indicated in 2010, 2011, or 2012:

- The Department of Disabilities (DOD) reports that its enabling statute requires that either its Secretary or Deputy Secretary be a person with a disability. The current Secretary and Deputy Secretary drive themselves in private vehicles. However, a previous blind Secretary required a driver and vehicle. The executive associate who was assigned the driving duties performed those duties at about 50% of the employee’s time, was assigned other duties as a full-time employee, and was paid about \$40,000 annually. When that Secretary left DOD, the executive associate was reassigned within the agency without driving duties and the vehicle was transferred within the Executive Department to the Governor’s Office of Crime Control and Prevention to replace a vehicle being permanently retired. The frequency at which such a driving need would recur for DOD cannot be reliably predicted.
- The Maryland Department of Transportation reports that there have been occasions where an employee of the agency has driven with the Secretary or

Deputy Secretary as a passenger in a vehicle owned by the public official, the State, or the employee. These occasions have been infrequent in nature and result from a need for that person's involvement in the same meeting that the Secretary or Deputy Secretary was traveling to attend.

- The University System of Maryland – In addition to other responsibilities, the lead maintenance mechanic has provided driving services for the Chancellor and members of the Board of Regents.
- University of Maryland, College Park – Driving duties for the president are provided on an as-needed basis by available hourly employees.
- University of Maryland Eastern Shore – The contractual campus shuttle driver is expected to provide driving services for the president, which takes up an average of 10% of the employee's time.
- The University of Maryland Biotechnology Institute – A salaried maintenance mechanic is on call for driving services for the president, which may constitute 10% of the employee's time.
- Morgan State University – One driver position is budgeted to service all university delivery, pick-up, and driving needs. This may include driving the university president.
- St. Mary's College – Although St. Mary's College did not respond to the request for information for this bill, based on information provided on a similar bill in 2009, one part-time contractual position is budgeted specifically for driving the college president to meetings and events in Annapolis and other locations. For fiscal 2009, expenditures were under \$10,000 at the close of the fiscal year. Legislative Services assumes that this practice continues.
- The Judiciary – During the legislative session, due to Annapolis parking difficulties, official and other employees may rely on administrative staff to provide driving services to committee meetings of the General Assembly. The driver is expected to return when the meetings are completed for the return trip.

The other higher education institutions reported no use of such transportation services. The following agencies specifically reported no use of such transportation services:

Aging
Agriculture
Assessments and Taxation
Board of Contract Appeals
Budget and Management
Business and Economic Development
Comptroller
Education
Energy Administration
Environment
General Services
Health and Mental Hygiene
Higher Education Commission
Housing and Community Development
Human Resources
Institute for Emergency Medical
Emergency Systems
Insurance Administration
Juvenile Services
Labor, Licensing, and Regulation

Legislative Services
MAIF
Maryland Environmental Service
Maryland State Retirement Agency
Military Department
Natural Resources
Office of Administrative Hearings
Office of People's Counsel
Planning
Property Tax Assessment Board
Public Safety and Correctional Services
Public Service Commission
Secretary of State
Stadium Authority
State Archives
State Ethics Commission
State Lottery Agency
State Retirement and Pension System
Supplemental Retirement Plans
Veteran's Affairs

State Fiscal Effect: The potential cost savings under the bill is difficult to accurately quantify. It is assumed that State troopers currently assigned to either the executive or legislative security unit may stay with the current unit or be reassigned to other duties, including law enforcement duties. To the extent the prohibition reduces the number of troopers assigned to either security unit, State expenditures may decrease. On average, the personnel-related cost for a typical State trooper is approximately \$100,000, which includes salary and fringe benefits. DSP reports that, because the assigned troopers are also required to provide security, it is likely that each assigned trooper would have to accompany each of these officials on the same number of trips.

Under the prohibition, the Speaker of the House and the President of the Senate, as well as the cited constitutional officers, would continue to be entitled to travel/mileage expense reimbursements under the standard State travel regulations if they used their personal vehicles. In addition, all members of the General Assembly are entitled to receive a \$500 in-district travel allowance, which is taxable income.

All other public officials would also be entitled to travel/mileage expense reimbursements for personal vehicle use under the standard State travel regulations. It is assumed that employees currently assigned to driving duties for these officials would have that portion of their time currently used to drive the officials reassigned within their current employment responsibilities. It is also assumed that, in many instances, agency heads

attend meetings with other key professional and support staff and, in so doing, share and pool travel requirements.

Additional Information

Prior Introductions: HB 113 of 2011 received an unfavorable report by the House Health and Government Operations Committee. HB 342 of 2010 received a hearing in the House Health and Government Operations Committee, but no further action was taken. HB 1574 of 2009 was referred to the House Rules and Executive Nominations Committee, but no further action was taken.

Cross File: None.

Information Source(s): Department of State Police; State Department of Assessments and Taxation; Property Tax Assessment Appeals Board; Office of the Attorney General; Maryland Department of Agriculture; Maryland State Archives; State Board of Contract Appeals; Department of Business and Economic Development; Board of Public Works; Department of Budget and Management; Department of Human Resources; Department of Natural Resources; Maryland Department of Planning; Maryland State Department of Education; Maryland State Board of Elections; Maryland Department of the Environment; Maryland Institute for Emergency Medical Services Systems; State Ethics Commission; Department of General Services; Maryland Health Claims Alternative Dispute Resolution Office; Department of Housing and Community Development; Department of Disabilities; Maryland Health Insurance Plan; Department of Health and Mental Hygiene; Maryland Commission on Civil Rights; Maryland Insurance Administration; Comptroller's Office; Department of Juvenile Services; Maryland State Lottery Agency; Department of Labor, Licensing, and Regulation; Maryland Energy Administration; Maryland Automobile Insurance Fund; Military Department; Morgan State University; Office of Administrative Hearings; Maryland Department of Aging; Office of People's Counsel; Maryland State Retirement Agency; Department of Public Safety and Correctional Services; Public Service Commission; Secretary of State; Maryland Supplemental Retirement Plans; Maryland Stadium Authority; St. Mary's College; Maryland Department of Transportation; Maryland State Treasurer's Office; University System of Maryland; Department of Veterans Affairs; Department of Legislative Services

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