

# HOUSE BILL 122

P1, P2

(PRE-FILED)

11r0622  
CF 11r1868

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By: **Delegates Barron and Krimm**

Requested: May 27, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Office of the Inspector General for General Services**

3 FOR the purpose of establishing the Maryland Office of the Inspector General for General  
4 Services; providing that the Office is an independent unit of the State; requiring the  
5 Office to have access to certain services provided by the Department of General  
6 Services; requiring the Office, in consultation with the Department, to develop  
7 certain policies and adopt certain regulations; requiring the Office to maintain a  
8 certain physical location; requiring the Office to develop certain policies and adopt  
9 certain regulations; establishing the Inspector General in the Office; providing for  
10 the eligibility, professional qualifications, appointment, term, and removal of the  
11 Inspector General; providing for the salary of the Inspector General and funding for  
12 the Office; providing for the Inspector General's duties and powers when  
13 investigating the management and affairs of the Department; prohibiting the  
14 Inspector General from taking certain actions under certain circumstances;  
15 authorizing a person to have an attorney present during contact with the Inspector  
16 General; providing that a certain circuit court may grant appropriate relief after  
17 conducting a certain hearing; providing that certain records produced by the  
18 Inspector General are not subject to the Public Information Act; authorizing the  
19 Inspector General to appoint and employ certain professional and clerical staff;  
20 authorizing the Inspector General, in collaboration with the appropriate authority  
21 within the Department, to take necessary steps to recover certain funds paid by or  
22 obtained from the Department or a certain person and costs incurred in recovering  
23 the funds; requiring the Office, on or before a certain date each year, to submit a  
24 certain report to the Secretary of the Department, the Governor, and certain  
25 committees of the General Assembly; authorizing the Governor to transfer to the  
26 Office certain positions and funds from the Department; requiring that all employees  
27 transferred to the Office as a result of this Act be transferred without diminution of  
28 their rights, benefits, employment, or retirement status; defining certain terms;  
29 providing for a delayed effective date; and generally relating to the Maryland Office  
30 of the Inspector General for General Services.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – State Finance and Procurement  
3 Section 4–101  
4 Annotated Code of Maryland  
5 (2015 Replacement Volume and 2020 Supplement)

6 BY adding to  
7 Article – State Finance and Procurement  
8 Section 4–2A–01 through 4–2A–06 to be under the new subtitle “Subtitle 2A.  
9 Maryland Office of the Inspector General for General Services”  
10 Annotated Code of Maryland  
11 (2015 Replacement Volume and 2020 Supplement)

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

14 **Article – State Finance and Procurement**

15 4–101.

- 16 (a) In this title the following words have the meanings indicated.
- 17 (b) “Department” means the Department of General Services.
- 18 (c) “Secretary” means the Secretary of General Services.

19 **SUBTITLE 2A. MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR GENERAL**  
20 **SERVICES.**

21 **4–2A–01.**

22 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
23 **INDICATED.**

24 **(B) “INSPECTOR GENERAL” MEANS THE INSPECTOR GENERAL IN THE**  
25 **MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR GENERAL SERVICES.**

26 **(C) “OFFICE” MEANS THE MARYLAND OFFICE OF THE INSPECTOR**  
27 **GENERAL FOR GENERAL SERVICES.**

28 **4–2A–02.**

29 **(A) THERE IS A MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR**  
30 **GENERAL SERVICES.**

1           **(B) THE OFFICE IS AN INDEPENDENT UNIT OF THE STATE.**

2           **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE OFFICE**  
3 **SHALL HAVE ACCESS TO THE FOLLOWING SERVICES OF THE DEPARTMENT:**

4                           **(I) INFORMATION TECHNOLOGY;**

5                           **(II) BUDGET AND FINANCE;**

6                           **(III) HUMAN RESOURCES;**

7                           **(IV) POLICE;**

8                           **(V) PROCUREMENT; AND**

9                           **(VI) SUPPORT SERVICES.**

10                   **(2) THE OFFICE SHALL, IN CONSULTATION WITH THE DEPARTMENT,**  
11 **DEVELOP POLICIES AND ADOPT REGULATIONS REGARDING THE USE AND**  
12 **CONFIDENTIALITY OF THE SERVICES LISTED IN PARAGRAPH (1) OF THIS**  
13 **SUBSECTION.**

14           **(D) THE OFFICE SHALL:**

15                           **(1) MAINTAIN A PHYSICAL LOCATION WITHIN THE DEPARTMENT; AND**

16                           **(2) DEVELOP POLICIES AND ADOPT REGULATIONS REGARDING THE**  
17 **USE AND CONFIDENTIALITY OF THE LOCATION OF THE OFFICE.**

18 **4-2A-03.**

19           **(A) THERE IS AN INSPECTOR GENERAL IN THE MARYLAND OFFICE OF THE**  
20 **INSPECTOR GENERAL FOR GENERAL SERVICES.**

21           **(B) (1) AN INDIVIDUAL IS ELIGIBLE TO BE THE INSPECTOR GENERAL**  
22 **ONLY IF THE INDIVIDUAL EXECUTES AN AFFIDAVIT STATING THAT THE INDIVIDUAL**  
23 **WILL NOT ACCEPT APPOINTMENT TO, OR BE A CANDIDATE FOR, A STATE OR LOCAL**  
24 **OFFICE:**

25                           **(I) DURING THE PERIOD OF SERVICE AS THE INSPECTOR**  
26 **GENERAL; AND**

1                   **(II) FOR AT LEAST 3 YEARS IMMEDIATELY AFTER THE**  
2 **INDIVIDUAL LAST SERVES AS THE INSPECTOR GENERAL.**

3                   **(2) THE INSPECTOR GENERAL SHALL RENEW THE AFFIDAVIT EVERY**  
4 **2 YEARS DURING THE PERIOD OF SERVICE.**

5                   **(3) A FAILURE TO RENEW THE AFFIDAVIT UNDER THIS SUBSECTION**  
6 **SHALL SUBJECT THE INSPECTOR GENERAL TO REMOVAL FROM OFFICE UNDER THIS**  
7 **SECTION.**

8                   **(C) (1) THE INSPECTOR GENERAL SHALL BE APPOINTED UNANIMOUSLY**  
9 **BY THE GOVERNOR, THE ATTORNEY GENERAL, AND THE STATE TREASURER,**  
10 **SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.**

11                   **(2) THE TERM OF THE INSPECTOR GENERAL IS 5 YEARS, BEGINNING**  
12 **JULY 1 AFTER THE APPOINTMENT OF THE INSPECTOR GENERAL.**

13                   **(3) AT THE END OF A TERM, THE INSPECTOR GENERAL SHALL**  
14 **CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED.**

15                   **(4) IF A VACANCY OCCURS IN THE OFFICE, AN INTERIM INSPECTOR**  
16 **GENERAL SHALL BE APPOINTED AS SUCCESSOR TO SERVE FOR THE REMAINDER OF**  
17 **THE UNEXPIRED TERM.**

18                   **(D) THE INSPECTOR GENERAL MAY BE REMOVED UNANIMOUSLY BY THE**  
19 **GOVERNOR, THE ATTORNEY GENERAL, AND THE STATE TREASURER FOR:**

20                   **(1) MISCONDUCT IN OFFICE;**

21                   **(2) PERSISTENT FAILURE TO PERFORM THE DUTIES OF THE OFFICE;**

22 **OR**

23                   **(3) CONDUCT PREJUDICIAL TO THE PROPER ADMINISTRATION OF**  
24 **JUSTICE.**

25                   **(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**  
26 **INSPECTOR GENERAL MUST BE PROFESSIONALLY QUALIFIED THROUGH**  
27 **EXPERIENCE OR EDUCATION IN AT LEAST ONE OF THE FOLLOWING AREAS:**

28                   **(I) LAW;**

29                   **(II) AUDITING;**

1 (III) GOVERNMENT OPERATIONS, INCLUDING PROCUREMENT,  
2 ASSET MANAGEMENT, AND THE ACQUISITION, DISPOSAL, VALUATION, AND LEASING  
3 OF REAL PROPERTY BY THE STATE;

4 (IV) FINANCIAL MANAGEMENT; OR

5 (V) CONSTRUCTION DESIGN AND MANAGEMENT.

6 (2) IF THE INSPECTOR GENERAL IS PROFESSIONALLY QUALIFIED IN  
7 THE AREA OF CONSTRUCTION DESIGN AND MANAGEMENT, THE INSPECTOR  
8 GENERAL ALSO MUST BE PROFESSIONALLY QUALIFIED THROUGH EXPERIENCE OR  
9 EDUCATION IN AT LEAST ONE OF THE OTHER AREAS LISTED IN PARAGRAPH (1) OF  
10 THIS SUBSECTION.

11 (F) (1) THE INSPECTOR GENERAL IS ENTITLED TO THE SALARY  
12 PROVIDED IN THE STATE BUDGET.

13 (2) FUNDING FOR THE OFFICE SHALL BE AS PROVIDED IN THE STATE  
14 BUDGET.

15 4-2A-04.

16 (A) THE INSPECTOR GENERAL:

17 (1) MAY INVESTIGATE FRAUD, WASTE, AND ABUSE OF FUNDS IN THE  
18 DEPARTMENT;

19 (2) SHALL COORDINATE INVESTIGATIVE EFFORTS WITHIN THE  
20 DEPARTMENT AND COOPERATE WITH INVESTIGATIONS BY OTHER UNITS OF STATE  
21 GOVERNMENT OR FEDERAL AGENCIES AND, IF A PRELIMINARY INVESTIGATION OF  
22 FRAUD, WASTE, AND ABUSE OF FUNDS ESTABLISHES A SUFFICIENT BASIS TO  
23 WARRANT REFERRAL, SHALL REFER THE MATTER TO THE APPROPRIATE STATE OR  
24 FEDERAL ENFORCEMENT OFFICIALS; AND

25 (3) IN CARRYING OUT THE DUTIES UNDER ITEMS (1) AND (2) OF THIS  
26 SUBSECTION, SHALL TAKE STEPS TO ENSURE THAT A PERSON SUBJECT TO THE  
27 JURISDICTION OF THE DEPARTMENT IS NOT SUBJECT TO DUPLICATIVE AUDITS.

28 (B) (1) THE INSPECTOR GENERAL MAY NOT DISCLOSE THE IDENTITY OF  
29 THE SOURCE OF A COMPLAINT OR INFORMATION PROVIDED UNDER SUBSECTION (A)  
30 OF THIS SECTION UNLESS THE INSPECTOR GENERAL:

31 (I) OBTAINS THE WRITTEN CONSENT OF THE SOURCE; OR

1 (II) DETERMINES THAT DISCLOSURE OF THE IDENTITY OF THE  
2 SOURCE IS NECESSARY AND UNAVOIDABLE DURING THE COURSE OF THE  
3 INVESTIGATION.

4 (2) IF THE INSPECTOR GENERAL DETERMINES THAT DISCLOSURE OF  
5 THE IDENTITY OF A SOURCE IS NECESSARY AND UNAVOIDABLE, THE INSPECTOR  
6 GENERAL SHALL NOTIFY THE SOURCE IN WRITING AT LEAST 7 DAYS BEFORE  
7 DISCLOSURE.

8 (C) (1) (I) DURING AN INVESTIGATION, THE INSPECTOR GENERAL  
9 MAY:

10 1. SEEK AND OBTAIN SWORN TESTIMONY; AND

11 2. ISSUE SUBPOENAS AS NECESSARY TO COMPEL THE  
12 PRODUCTION OF DOCUMENTS AND RECORDS OR THE ATTENDANCE OF WITNESSES.

13 (II) A SUBPOENA MAY BE SERVED IN THE SAME MANNER AS ONE  
14 ISSUED BY A CIRCUIT COURT.

15 (2) A PERSON MAY HAVE AN ATTORNEY PRESENT DURING ANY  
16 CONTACT WITH THE INSPECTOR GENERAL.

17 (3) (I) 1. THE INSPECTOR GENERAL IMMEDIATELY MAY  
18 REPORT THE FAILURE OF A PERSON TO OBEY A LAWFUL ORDER OR A LAWFULLY  
19 SERVED SUBPOENA TO THE CIRCUIT COURT OF THE COUNTY THAT HAS  
20 JURISDICTION.

21 2. THE INSPECTOR GENERAL SHALL PROVIDE A COPY  
22 OF THE SUBPOENA AND PROOF OF SERVICE TO THE CIRCUIT COURT.

23 (II) AFTER CONDUCTING A HEARING, THE CIRCUIT COURT MAY  
24 GRANT APPROPRIATE RELIEF.

25 (D) RECORDS OR INFORMATION PROVIDED TO, PREPARED FOR, OR  
26 OBTAINED BY THE INSPECTOR GENERAL IN CONNECTION WITH AN INVESTIGATION  
27 ARE CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE UNDER THE PUBLIC  
28 INFORMATION ACT.

29 (E) THE INSPECTOR GENERAL MAY APPOINT AND EMPLOY PROFESSIONAL  
30 AND CLERICAL STAFF, INCLUDING ATTORNEYS, ACCOUNTANTS, AUDITORS,  
31 ANALYSTS, AND INVESTIGATORS, AS APPROPRIATED IN THE ANNUAL STATE

1 BUDGET, TO CONDUCT THE WORK OF THE OFFICE.

2 4-2A-05.

3 THE INSPECTOR GENERAL, IN COLLABORATION WITH THE APPROPRIATE  
4 AUTHORITY WITHIN THE DEPARTMENT, MAY TAKE NECESSARY STEPS TO RECOVER:

5 (1) FUNDS MISTAKENLY OR FRAUDULENTLY PAID BY OR OBTAINED  
6 FROM THE DEPARTMENT OR A PERSON SUBJECT TO THE JURISDICTION OF THE  
7 DEPARTMENT; AND

8 (2) ANY COSTS INCURRED IN RECOVERING THE FUNDS DESCRIBED IN  
9 ITEM (1) OF THIS SECTION.

10 4-2A-06.

11 (A) ON OR BEFORE DECEMBER 1 EACH YEAR, THE OFFICE SHALL SUBMIT A  
12 REPORT TO THE SECRETARY, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1257  
13 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION  
14 COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS  
15 COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE HEALTH AND  
16 GOVERNMENT OPERATIONS COMMITTEE, AND THE JOINT AUDIT AND EVALUATION  
17 COMMITTEE.

18 (B) THE REPORT SHALL INCLUDE INFORMATION ON:

19 (1) THE OFFICE'S ACTIVITIES DURING THE IMMEDIATELY  
20 PRECEDING FISCAL YEAR, INCLUDING:

21 (I) INVESTIGATIONS OF FRAUD, WASTE, AND ABUSE OF  
22 DEPARTMENTAL FUNDS UNDERTAKEN BY THE OFFICE, INCLUDING SPECIFIC  
23 FINDINGS AND RECOMMENDATIONS RELATED TO THE INVESTIGATIONS;

24 (II) A SUMMARY OF MATTERS REFERRED TO PROSECUTORIAL  
25 AUTHORITIES AND THE RESULTING PROSECUTIONS AND CONVICTIONS; AND

26 (III) COMPLIANCE WITH APPLICABLE FEDERAL AND STATE  
27 LAWS; AND

28 (2) ANY REGULATORY OR STATUTORY CHANGES NECESSARY TO  
29 ENSURE COMPLIANCE WITH APPLICABLE FEDERAL AND STATE LAWS.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor may transfer  
31 positions and funds appropriated for the positions from the Department of General Services

1 to the Maryland Office of the Inspector General for General Services established under  
2 Section 1 of this Act.

3           SECTION 3. AND BE IT FURTHER ENACTED, That all employees who are  
4 transferred to the Maryland Office of the Inspector General for General Services as a result  
5 of this Act shall be transferred without diminution of their rights, benefits, employment, or  
6 retirement status.

7           SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2022.