

HOUSE BILL 1047

P1

EMERGENCY BILL

2lr0413

By: **Delegate T. Branch**

Introduced and read first time: February 10, 2022

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Legislative Complex – Authority, Operation, and**
3 **Maintenance**

4 FOR the purpose of establishing that the presiding officers of the General Assembly have
5 full and final authority over the State legislative buildings in the City of Annapolis,
6 including managing daily operations and maintenance; requiring that certain
7 appropriations be transferred to the General Assembly on a certain date; providing
8 for the transfer of certain functions, powers, duties, property, records, fixtures,
9 credits, assets, liability, obligations, rights, and privileges; requiring that certain
10 employees of the Department of General Services be transferred to the General
11 Assembly without diminution of their rights, benefits, employment, or retirement
12 status; requiring that certain positions at the Department be transferred to the
13 General Assembly; providing for the continuity of certain transactions affected by or
14 flowing from this Act; providing for the continuity of certain laws, regulations,
15 standards and guidelines, policies, orders and other directives, forms, plans,
16 membership, contracts, property, investigations, administrative and judicial
17 responsibilities, rights, and other duties and responsibilities; and generally relating
18 to the State legislative complex.

19 BY repealing and reenacting, with amendments,
20 Article – State Finance and Procurement
21 Section 4–601 and 4–605
22 Annotated Code of Maryland
23 (2021 Replacement Volume)

24 BY adding to
25 Article – State Government
26 Section 2–109
27 Annotated Code of Maryland
28 (2021 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – State Finance and Procurement**

4 4–601.

5 (a) [Subject to] **EXCEPT AS PROVIDED IN** subsection (b) of this section, the
6 Department has jurisdiction over and full police authority for the enforcement of the
7 criminal laws and the parking and motor vehicle laws as to the operation, maintenance,
8 and protection of:

9 (1) buildings and grounds that, on June 30, 1984, were administered by the
10 Office of Annapolis Public Buildings and Grounds, and extending to the surrounding area
11 that encompasses 1,000 feet in any direction from the boundary of those buildings and
12 grounds;

13 (2) buildings and grounds that, on June 30, 1984, were administered by the
14 Office of Baltimore Public Buildings and Grounds, and extending to the surrounding area
15 that encompasses 1,000 feet in any direction from the boundary of those buildings and
16 grounds;

17 (3) multiservice centers designated by law or by the Board of Public Works
18 and extending to the surrounding area that encompasses 1,000 feet in any direction from
19 the boundary of those multiservice centers;

20 (4) buildings and grounds that, on June 30, 2019, were administered by the
21 Maryland Department of Labor, and extending to the surrounding area that encompasses
22 1,000 feet in any direction from the boundary of those buildings;

23 (5) State-owned or State-leased buildings and grounds and extending to
24 the surrounding area that encompasses 1,000 feet in any direction from the boundary of
25 those buildings and grounds; and

26 (6) other public improvements or grounds designated by law or by the
27 Board of Public Works.

28 (b) [Consistent with Article 8 of the Maryland Declaration of Rights, with
29 respect] **THIS SUBTITLE DOES NOT APPLY** to State legislative buildings in the City of
30 Annapolis[, the presiding officers of the General Assembly shall have final authority over
31 the use of and access to the buildings by the members of the General Assembly, their staff,
32 and Department of Legislative Services personnel].

33 4–605.

34 (a) (1) In accordance with the provisions of the State Personnel and Pensions
35 Article, the Secretary may establish a police and security force, known as the Maryland

1 Capitol Police of the Department of General Services, to protect people and property on or
2 about improvements, grounds, and multiservice centers under the jurisdiction of the
3 Department, and in the surrounding areas of the buildings and grounds in the State as
4 described in § 4–601 of this subtitle.

5 (2) (i) The Secretary shall appoint the Chief of the Maryland Capitol
6 Police of the Department of General Services.

7 (ii) The Chief of the Maryland Capitol Police of the Department of
8 General Services serves at the pleasure of the Secretary.

9 (iii) The Chief of the Maryland Capitol Police of the Department of
10 General Services shall supervise and direct the affairs and operations of the Maryland
11 Capitol Police.

12 (3) The Maryland Capitol Police of the Department of General Services
13 may include sworn police officers.

14 (b) A member of the Maryland Capitol Police of the Department of General
15 Services may not be involuntarily transferred from a site to another site.

16 (c) Subject to subsection (d) of this section, a Maryland Capitol Police officer has
17 all the powers granted to a peace officer and a police officer of the State.

18 (d) A Maryland Capitol Police officer may exercise the powers described in
19 subsection (c) of this section within the Department's jurisdiction as specified in § 4–601 of
20 this subtitle **OR AS DESCRIBED UNDER § 2–109 OF THE STATE GOVERNMENT**
21 **ARTICLE** provided the police officer:

22 (1) meets the legal requirements set forth by the Maryland Police Training
23 and Standards Commission; and

24 (2) is designated by the Department as a police officer.

25 Article – State Government

26 2–109.

27 **THE PRESIDING OFFICERS OF THE GENERAL ASSEMBLY SHALL HAVE FULL**
28 **AND FINAL AUTHORITY OVER THE STATE LEGISLATIVE BUILDINGS IN THE CITY OF**
29 **ANNAPOLIS, INCLUDING MANAGING DAILY OPERATIONS AND MAINTENANCE,**
30 **INCLUDING:**

31 **(1) KEEPING A COMPLETE INVENTORY OF MOVABLE PROPERTY USED**
32 **IN THE BUILDINGS;**

1 **(2) SUPERVISING UTILITY AND SANITATION SERVICES AND FIRE AND**
2 **SAFETY SYSTEMS;**

3 **(3) SUPERVISING REPAIRS AND OTHER WORK;**

4 **(4) LANDSCAPING;**

5 **(5) PURCHASING CARPETS, EQUIPMENT, FURNITURE, AND SUPPLIES;**
6 **AND**

7 **(6) THE FOLLOWING RESPONSIBILITIES, WHICH SHALL BE**
8 **CONDUCTED ON BEHALF OF THE PRESIDING OFFICERS BY THE MARYLAND CAPITOL**
9 **POLICE OF THE DEPARTMENT OF GENERAL SERVICES IN CONSULTATION WITH THE**
10 **DEPARTMENT OF STATE POLICE LEGISLATIVE SECURITY SECTION:**

11 **(I) PROTECTING PERSONS AND PROPERTY, INCLUDING**
12 **DISPERSING ANY ASSEMBLAGE THAT IS UNLAWFUL, IS DANGEROUS, OR OBSTRUCTS**
13 **FREE PASSAGE;**

14 **(II) PRESERVING AND PROTECTING THE PUBLIC PEACE,**
15 **HEALTH, AND SAFETY; AND**

16 **(III) CONTROLLING PEDESTRIAN AND VEHICULAR TRAFFIC,**
17 **INCLUDING ESTABLISHING SPEED LIMITS AND PARKING AND IMPOUNDMENT**
18 **REGULATIONS FOR PARKING GARAGES, ROADS, AND SIDEWALKS THAT ARE ON THE**
19 **GROUNDS OF THE STATE LEGISLATIVE BUILDINGS.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That, on the effective date of this
21 Act, the following shall be transferred to the General Assembly:

22 (1) all appropriations, including State and federal funds, held by the
23 Department of General Services for the purposes of overseeing the State legislative
24 buildings in the City of Annapolis on the effective date of this Act; and

25 (2) all books and records (including electronic records, real and personal
26 property, equipment, fixtures, assets, liabilities, obligations, credits, rights, and privileges
27 held by the Department of General Services related to overseeing the State legislative
28 buildings in the City of Annapolis on the effective date of this Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That all employees of the
30 Department of General Services who are assigned more than 50% of the time to a function
31 related to overseeing the State legislative buildings in the City of Annapolis on the effective
32 date of this Act shall be transferred to the General Assembly without diminution of their
33 rights, benefits, employment, or retirement status.

1 SECTION 4. AND BE IT FURTHER ENACTED, That all positions of the
2 Department of General Services who are assigned more than 50% of the time to a function
3 related to overseeing the State legislative buildings in the City of Annapolis on the effective
4 date of this Act shall be transferred to the General Assembly.

5 SECTION 5. AND BE IT FURTHER ENACTED, That any transaction affected by
6 the transfer of oversight of the State legislative buildings in the City of Annapolis and
7 validly entered into before the effective date of this Act, and every right, duty, or interest
8 flowing from it remains valid after the effective date of this Act and may be terminated,
9 completed, consummated, or enforced under the law.

10 SECTION 6. AND BE IT FURTHER ENACTED, That all existing laws, regulations,
11 proposed regulations, standards and guidelines, policies, orders and other directives, forms,
12 plans, memberships, contracts, property, investigations, administrative and judicial
13 responsibilities, rights to sue and be sued, and all other duties and responsibilities
14 associated with the oversight of the State legislative buildings in the City of Annapolis prior
15 to the effective date of this Act shall continue and, as appropriate, are legal and binding on
16 the General Assembly until completed, withdrawn, canceled, modified, or otherwise
17 changed under the law.

18 SECTION 7. AND BE IT FURTHER ENACTED, That this Act is an emergency
19 measure, is necessary for the immediate preservation of the public health or safety, has
20 been passed by a yea and nay vote supported by three-fifths of all the members elected to
21 each of the two Houses of the General Assembly, and shall take effect from the date it is
22 enacted.