

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1047
(Delegate T. Branch)
Appropriations

State Government - Legislative Complex - Authority, Operation, and Maintenance

This emergency bill gives the Presiding Officers of the General Assembly full and final authority over the State legislative buildings in the City of Annapolis, including managing daily operations and maintenance, and makes conforming changes. All related appropriations, records, property, and other specified items held by the Department of General Services (DGS) related to overseeing the State legislative buildings in the City of Annapolis must be transferred to the General Assembly. Also, all DGS positions and employees who are assigned more than 50% of their time to functions related to overseeing the State legislative buildings must be transferred to the General Assembly on the bill's effective date; employees must be transferred without diminution of their rights, benefits, employment, or retirement status.

Fiscal Summary

State Effect: General fund expenditures for DGS decrease, likely by millions of dollars, beginning in FY 2022 and on an ongoing basis due to the transfer of personnel and contracts, but a more precise estimate is not feasible. General fund expenditures for the General Assembly increase commensurately. To the extent that some employees who work in legislative buildings but do not meet the 50% threshold do not transfer under the bill, general fund expenditures for the General Assembly may increase further to fill any staffing gaps. Revenues are not materially affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: Among the responsibilities over which the Presiding Officers are granted full and final authority are:

- keeping a complete inventory of movable property used in the buildings;
- supervising utility and sanitation services and fire and safety systems;
- supervising repairs and other work;
- landscaping; and
- purchasing carpets, equipment, furniture, and supplies.

With respect to public safety and security, officers of the Maryland Capitol Police (MCP) within DGS, in consultation with the Department of State Police (DSP) Legislative Security Section, carry out the following duties on behalf of the Presiding Officers:

- protecting persons and property, including dispersing any assemblage that is unlawful, dangerous, or obstructs free passage;
- preserving and protecting the public peace, health, and safety; and
- controlling pedestrian and vehicular traffic, as specified.

Any transaction affected by the transfer of oversight and validly entered into before the bill's effective date, and every right, duty, or interest flowing from such a transaction, remains valid and may be terminated, completed, consummated, or enforced under the law. All existing laws, regulations, policies, and related duties and responsibilities must continue and, as appropriate, are legal and binding on the General Assembly until completed, withdrawn, canceled, modified, or otherwise changed under the law.

Current Law: In general, DGS has jurisdiction over, and full police authority for, the enforcement of criminal laws and the parking and motor vehicle laws as to the operation, maintenance, and protection of State-owned and State-leased buildings and grounds extending to the surrounding area within 1,000 feet from the boundary of a building. However, the Presiding Officers have final authority over the use of and access to State legislative buildings by members of the General Assembly, their staff, and Department of Legislative Services (DLS) personnel.

For all improvements, grounds, and multiservice centers under its jurisdiction, DGS's responsibilities include:

- keeping a complete inventory of movable property assigned to DGS;
- supervising utility and sanitation services and fire and safety systems;

- supervising repairs and other work;
- landscaping;
- purchasing carpets, equipment, furniture, and supplies;
- protecting persons and property, including dispersing any assemblage that is unlawful, dangerous, or that obstructs free passage;
- preserving and protecting the public peace, health, and safety; and
- controlling pedestrian and vehicular traffic, as specified.

The Secretary of General Services may appoint and remove superintendents to supervise designated improvements, grounds, and multiservice centers under its jurisdiction, including those in Annapolis.

Maryland Capitol Police

The Secretary of General Services may establish a police force known as MCP. MCP's purpose is to protect people and property on specified grounds under the jurisdiction of DGS and in the surrounding areas of the buildings and grounds. The Secretary must appoint a Chief of MCP. MCP officers have the powers granted to peace officers and police officers and may not be involuntarily transferred from one site to another.

Legislative Security Force

The State Government Article establishes a Legislative Security Force that consists of members of DSP who are assigned for duty with the General Assembly. Under the guidance of the Presiding Officers, the force must maintain order during the conduct of the legislative process.

State Expenditures: “State legislative buildings” is not a defined term either in current law or in the bill. For this analysis, it is assumed to mean the State House, the Legislative Services Building, the Miller and James Senate Office Buildings, and the Lowe and Taylor House Office Buildings. This analysis assumes that it does not include Lawyers’ Mall adjacent to the Legislative Services Building because (1) the bill references only buildings and does not include language in current law regarding space adjacent to the buildings and (2) Lawyers’ Mall is also adjacent to Government House (the Governor’s residence), which is not affected by the bill. This analysis further assumes that the bill does not affect parking lots or garages used by legislative staff other than those directly beneath the legislative office buildings.

Finally, the bill assumes that MCP sworn officers are not among the employees who are transferred under the bill. The bill specifically references that public safety functions will continue to be carried out by MCP of DGS, suggesting that the officers remain in MCP.

DGS advises that it does not have a precise estimate of the number of employees affected by the bill because its Office of Facilities Management oversees and maintains 24 buildings in Annapolis, including the six affected by the bill. Although some employees, including a regional manager, building manager, and maintenance mechanic are assigned to and/or housed in each building, other personnel within the office divide their time among the legislative buildings and the other 18 State buildings in Annapolis, as needed. To the extent that some personnel who normally spend most of their time in legislative buildings are on leave or otherwise unavailable, office employees assigned to other buildings sometimes fill in. However, as those employees do not spend more than 50% of their time in legislative buildings, they would not be among those who transfer and, therefore, would not be available under the bill.

DGS does not know how many office employees spend more than 50% of their time in the legislative buildings. Moreover, the division maintains one budget that is not subdivided by building. The office's fiscal 2022 budget includes 197 positions and total appropriations of \$52.8 million, including \$33.5 million in general funds (most of the rest is reimbursable rental income from tenants in State-owned buildings).

DGS estimates that approximately \$4.5 million in employee compensation transfers to the General Assembly, under the bill. It further estimates that an additional \$6.1 million in appropriations for service contracts also transfers. As noted above, however, these are only rough estimates and, therefore, are not reflected in this analysis. A more precise analysis of employee assignments is necessary prior to or upon the bill's enactment to determine which employees (and their compensation) transfer under the bill. As the bill is an emergency measure, there will not be any time between its enactment and effective date, so it is not clear if the bill's requirement that all transfers occur on the bill's effective date can be met.

Overall, general fund expenditures for DGS decrease, likely by millions of dollars, beginning in fiscal 2022 due to the transfer of personnel and contracts, and general fund expenditures for the General Assembly increase commensurately and on an ongoing basis, but a more precise estimate is not feasible. The bill is an emergency bill and requires the transfer to occur on the bill's effective date, so the fiscal effect is assumed to begin in fiscal 2022. To the extent that some employees who work in legislative buildings but do not meet the 50% threshold do not transfer under the bill, general fund expenditures for the General Assembly may increase further to fill any staffing gaps.

Additional Comments: DLS advises that the bill may create conflicting lines of authority for MCP officers. Under the bill, the officers remain part of MCP and, therefore, under the command of the MCP Chief. However, the bill specifies that they serve on behalf of the Presiding Officers. It is not clear in the bill whether the chief or Presiding Officers have ultimate authority over the MCP officers in the event of a conflict or disagreement.

However, a similar arrangement exists for the Legislative Security Force, which consists of DSP officers under the guidance of the Presiding Officers. DSP advises that there is no formal arrangement delineating lines of authority but that the Presiding Officers and DSP leadership remain in regular communication.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of General Services; Department of State Police; Department of Legislative Services

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