

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	12/10/2020	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 1/15/2021

2. COMAR Codification

Title Subtitle Chapter Regulation

04	04	02	02
04	04	02	03
04	04	02	04
04	04	02	05
04	04	02	06

3. Name of Promulgating Authority

Department of General Services

4. Name of Regulations Coordinator

Ellen S Robertson

Telephone Number

410-260-2908

Mailing Address

29 St. John's Street

City	State	Zip Code
Annapolis	MD	21401

Email

ellen.robertson@maryland.gov

5. Name of Person to Call About this Document

Terry Custer, Deputy Chief, Maryland Capitol Police

Telephone No.

410-767-7450

Email Address

Terry.Custer@Maryland.gov

6. Check applicable items:

- ☐ New Regulations
☒ Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: 11/20/2020.
☐ Repeal of Existing Regulations
☐ Recodification
☐ Incorporation by Reference of Documents Requiring DSD Approval
☐ Reproposal of Substantively Different Text:
:
Md. R
(vol.) (issue) (page nos) (date)
Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

- ☐ Yes ☒ No

8. Incorporation by Reference

- ☐ Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- ☐ OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.
☐ OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

- ☐ Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Lauri A. McGuire, Assistant Attorney General, (telephone #410-767-4290) on 12/9/2020. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Ellington E. Churchill, Jr.

Title

Secretary

Date

12/11/2020

Telephone No.

410-767-1001

Title 04
DEPARTMENT OF GENERAL SERVICES
Subtitle 04 SECURITY OF STATE REAL PROPERTY

04.04.02 Security Cards

Subtitle 04

04.04.02

Subtitle 04

04.04.02

Subtitle 04

04.04.02

Subtitle 04

04.04.02

Authority: Authority: State Finance and Procurement Article, §4-604, 4-607(a) Labor and
Employment Article, §3-503(4) Criminal Law Article, §9-704; Annotated Code of
Maryland

Notice of Proposed Action

[]

The Secretary of the Department of General Services proposes to amend:

(1) Regulations .02, .03, .04, .05 and .06 under COMAR 04.04.02 Security Cards.

Statement of Purpose

The purpose of this action is to The purpose of this action is to:

(1) Define the terms "Maryland Capitol Police (MDP) and Secretary of the Department of
General Services.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Ellen Robertson, Legislative Liaison, Department of General Services, 29 St. Johns Street Annapolis, MD 21401, or call 410-260-2908, or email to ellen.robertson@maryland.gov, or fax to 410-974-2361. Comments will be accepted through February 16, 2021. A public hearing has not been scheduled.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2021
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
- No
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:
- No funds necessary for implementation of these regulations.
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
- Regulations are defining terms.
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
- Regulations are defining terms.
- G. Small Business Worksheet:

Attached Document:

Title 04 DEPARTMENT OF GENERAL SERVICES

Subtitle 04 SECURITY OF STATE REAL PROPERTY

Chapter 02 Security Cards

Authority: State Finance and Procurement Article, §4-604, 4-607(a) Labor and Employment Article, §3-503(4) Criminal Law Article, §9-704; Annotated Code of Maryland

.01 General. (text unchanged)

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
- (1) (text unchanged)
- (2) ["DGSP"] "*Maryland Capitol Police (MCP)*" means the Department of General Services Police.
- (3) (text unchanged)
- (4) "Secretary" means the Secretary of *the Department of* General Services or the Secretary's designee.
- (5) – (8) (text unchanged)

.03 Issuance of Security Cards.

- A – B. (text unchanged).
- C. Any duties assigned by this chapter to the Secretary may be delegated by the Secretary to the [DGSP]*MCP*.
- D. All prox privileges associated with a security card shall be subject to criteria established by [DGSP] *MCP* as approved by the Secretary.

E. The Secretary may authorize and the [DGSP]MCP shall conduct a security clearance investigation prior to issuance of a security card to an individual other than a State employee.

.04 Surrender of Security Cards.

A. (text unchanged)

B. A security card issued to a State employee shall be surrendered upon:

(1) – (3) (text unchanged)

(4) Demand by the [DGSP]MCP.

C. Surrender Procedures.

(1) Upon separation from State employment or upon a demand under this regulation, a State employee shall surrender the employee's security card to the personnel division of the employee's unit or [DGSP]MCP as the case may be.

(2) Upon the employee's surrender of the security card, the personnel division of the unit or [DGSP]MCP shall issue a receipt to the employee.

(3) The personnel division shall return the surrendered security card to the [DGSP]MCP within 10 days after the employee's surrender of the card.

(4) Upon notification by the employee's personnel division, any prox privileges associated with the surrendered security card shall be cancelled by [DGSP]MCP.

D. (text unchanged)

E. A security card issued to an individual other than a State employee shall be surrendered to the [DGSP]MCP upon demand by the:

(1) (text unchanged)

(2) [DGSP]MCP.

F. (text unchanged)

.05 Notification to the Department of Employee Separation from the Service.

The personnel division of the employee's unit shall notify the [DGSP]MCP within 30 days upon the separation of service of any employee with security card privileges and shall provide the name of the affected employee.

.06 Responsibilities of Holders of Security Cards.

A. (text unchanged)

B. A holder of a security card shall:

(1) Notify the [DGSP]MCP in writing within 30 days of any changes to the information entered into the security card application;

(2) Immediately report a lost or stolen security card to the employee's supervisor, if a State employee, and the [DGSP]MCP; and

(3) When on State real property:

(a) Display the security card:

(i) On the outermost garment;

(ii) In the area of the upper chest; and

(iii) So as to be visible at all times; and

(b) Produce the security card upon demand by a member of [DGSP]MCP, a police officer, or an authorized security personnel.

C. (text unchanged)

Title 04 DEPARTMENT OF GENERAL SERVICES

Subtitle 05 BUILDINGS AND GROUNDS

Chapter 01 General Regulations

Authority: State Finance and Procurement Article, §4-604(6) and (7) 4-607(a) and (c) State Government Article, §2-1702; Criminal Law Article, §4-208 and 6-409; Annotated Code of Maryland

.08 Demonstrations and Rallies.

A. (text unchanged)

B. The [Superintendent of Baltimore Public Buildings and Grounds]Secretary or the Chief of the Maryland Capitol Police, respective managers of the multiservice centers, or the on-site manager of any other Department of General

Services property, shall predesignate certain outdoor or indoor areas of the property, traditionally considered public forums, as sites for proposed demonstrations and rallies.

C. An applicant for a demonstration or rally can request any other area on the property and the [superintendent or manager] *Secretary or the Chief of the Maryland Capitol Police* shall make every effort to accommodate the request, consistent with safety, security, and traffic concerns, and the least disturbance to employees in the performance of their duties, and not preventing the general public from obtaining the government services that are provided on the property.

D. Individuals or groups wishing to hold demonstrations or rallies [should] *shall* apply in writing at least 2 days in advance to the [superintendent or manager] *Secretary or the Chief of the Maryland Capitol Police* for a permit, unless extraordinary circumstances prevent the applications.

E. Permits are issued at no cost to the applicant on a first-come, first-served basis. The [superintendent or manager] *Secretary or the Chief of the Maryland Capitol Police* may not refuse to issue a permit based on the:

(1) – (2) (text unchanged)

(3) Lateness of the permit application.

F. The [superintendent or manager] *Secretary or the Chief of the Maryland Capitol Police* shall have discretion only as to matters of scheduling, safety, security, and traffic.

G. The applicant [should] *shall* designate, by name, at least one individual to be present at the demonstration who will wear an armband or other identifying insignia and be responsible for advising the demonstrators on compliance with applicable laws and regulations.

H – I. (text unchanged)

J. *An individual may not physically attach or illuminate any banner, sign or message to any State real property without prior written approval from the Secretary of the Department of General Services or the Secretary's designee.*

K. *Except for Federal, State and local government entities or law enforcement services agencies, an individual may not launch, land, or retrieve an unmanned aircraft system (UAS) on any State real property without prior written approval from the Secretary of the Department of General Services or the Secretary's designee.*

L. *No person shall intentionally focus, point or shine any laser beam or high intensity light directly or indirectly onto the eye or eyes of another person or animal, on another person or animal, or onto any State building window in such a manner as would reasonably be expected to annoy, harass, or alarm the person or animal.*

Title 04 DEPARTMENT OF GENERAL SERVICES

Subtitle 05 BUILDINGS AND GROUNDS

Chapter 02 Legislative Branch Buildings and Grounds in Annapolis

Authority: United States Constitution, Amendments 1 and 14; Maryland Constitution, Declaration of Rights, Article 13; Criminal Law Article, §§4-208 and 6-409; State Finance and Procurement Article, §§4-604(6) and (7) and 4-607(a) and (c); State Government Article, §2-1702; Annotated Code of Maryland

.01 Application. (text unchanged)

.02 Demonstrations and Rallies.

A – B. (text unchanged)

C. In case of preemption or conflicting scheduling of Lawyers' Mall, demonstrations may be conducted in other nearby outdoor areas if agreeable with the applicant for the demonstration permit and the [Superintendent of Annapolis Public Buildings and Grounds] *Secretary or the Chief of the Maryland Capitol Police*.

D - E. (text unchanged)

F. Permits shall be issued at no cost to the applicant on a first-come, first-served basis. The [superintendent or manager] *Secretary or the Chief of the Maryland Capitol Police* may not refuse to issue a permit based on the:

(1) – (3). (text unchanged)

G – I. (text unchanged)

J. The [Superintendent of Annapolis Public Buildings and Grounds] *Secretary or the Chief of the Maryland Capitol Police* shall have discretion only as to matters of scheduling, safety, security, and traffic.

K - N. (text unchanged)

.03 Interference with Legislative Process. (text unchanged)

.04 Communications with General Assembly Members. (text unchanged)