

# HOUSE BILL 1047

P1

EMERGENCY BILL

2lr0413

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By: **Delegate T. Branch**

Introduced and read first time: February 10, 2022

Assigned to: Appropriations

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## 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)

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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.