

HOUSE BILL 395

P3, P4

3lr0648
CF SB 223

By: **Delegates White, Alston, Guzzone, Hill, S. Johnson, Kelly, Lehman, Lopez, McCaskill, Phillips, Ruth, Taveras, and Terrasa**

Introduced and read first time: January 26, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – State Facilities Changes and Closures – Procedures**

3 FOR the purpose of requiring a principal department of the Executive Branch to take
4 certain actions before changing the use, purpose, or function of a State facility or
5 closing a State facility; and generally relating to changing the use of or closing a
6 State facility.

7 BY repealing and reenacting, with amendments,

8 Article – State Government

9 Section 8–306

10 Annotated Code of Maryland

11 (2021 Replacement Volume and 2022 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 Government**

15 8–306.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) (i) “Change the use, purpose, or function” means an abrupt and
18 material change in the type of clients or inmates served in a facility, the licensed purpose
19 of a facility, or the principal activities carried out within a facility.

20 (ii) “Change the use, purpose, or function” does not mean a gradual
21 change in clients, inmates, or activities due to societal trends or needs.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (III) "CHANGE THE USE, PURPOSE, OR FUNCTION" DOES NOT
2 INCLUDE CLOSING A STATE FACILITY.

3 (3) "CLOSE A STATE FACILITY" MEANS TO CEASE, DISCONTINUE, OR
4 SUBSTANTIALLY ELIMINATE ACTIVITIES CARRIED OUT WITHIN THE STATE
5 FACILITY.

6 (4) "EXCLUSIVE REPRESENTATIVE" HAS THE MEANING STATED IN §
7 3-101 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

8 [(3)] (5) (i) "Public hearing" means an informational hearing, the sole
9 purpose of which is to obtain public comment and answer public questions.

10 (ii) "Public hearing" does not mean a contested case hearing under
11 Title 10, Subtitle 2 of this article.

12 [(4)] (6) "State facility" means:

13 (I) a facility that is owned, leased, or operated by the State for the
14 purpose of providing health, juvenile, or correctional services to clients or inmates; OR

15 (II) A FACILITY TO WHICH 25 OR MORE STATE EMPLOYEES ARE
16 REGULARLY ASSIGNED.

17 (b) (1) A principal department of the Executive Branch of the State
18 government may not change the use, purpose, or function of a State facility without [giving
19 notice as required in] COMPLYING WITH THE REQUIREMENTS OF subsection (c) of this
20 section.

21 (2) A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF THE
22 STATE GOVERNMENT MAY NOT CLOSE A STATE FACILITY WITHOUT COMPLYING
23 WITH THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION.

24 (c) (1) Before a principal department changes the use, purpose, or function of
25 a State facility, the principal department shall [hold a public hearing on the proposed
26 change]:

27 (I) HOLD A PUBLIC HEARING; AND

28 (II) AT LEAST 90 DAYS BEFORE THE PUBLIC HEARING, GIVE
29 NOTICE TO:

30 1. THE PUBLIC, ON THE PRINCIPAL DEPARTMENT'S
31 WEBSITE AND BY PRESS RELEASE;

1 **2. ANY MEMBER OF THE GENERAL ASSEMBLY IN WHOSE**
2 **DISTRICT THE STATE FACILITY IS LOCATED, BY E-MAIL AND CERTIFIED MAIL; AND**

3 **3. ANY EXCLUSIVE REPRESENTATIVE WITH BARGAINING**
4 **UNIT EMPLOYEES ASSIGNED TO THE STATE FACILITY, BY E-MAIL AND CERTIFIED**
5 **MAIL.**

6 (2) The principal department shall, **AT LEAST 30 DAYS BEFORE THE**
7 **PUBLIC HEARING**, give notice of the [proposed change and the] hearing:

8 (i) to the public, [by publication once a week for 2 consecutive weeks
9 before the hearing in a regularly published newspaper of general circulation in any county
10 that may be affected by the change] **ON THE PRINCIPAL DEPARTMENT'S WEBSITE AND**
11 **BY PRESS RELEASE; [and]**

12 (ii) to each member of the General Assembly in whose district the
13 facility is located, by **E-MAIL AND** certified mail; **AND**

14 **(III) TO ANY EXCLUSIVE REPRESENTATIVE WITH BARGAINING**
15 **UNIT EMPLOYEES ASSIGNED TO THE STATE FACILITY, BY E-MAIL AND CERTIFIED**
16 **MAIL.**

17 **(D) (1) BEFORE A PRINCIPAL DEPARTMENT CLOSES A STATE FACILITY,**
18 **THE PRINCIPAL DEPARTMENT SHALL:**

19 **(I) HOLD A PUBLIC HEARING;**

20 **(II) AT LEAST 180 DAYS BEFORE THE PUBLIC HEARING, GIVE**
21 **NOTICE TO:**

22 1. **THE PUBLIC, ON THE DEPARTMENT'S WEBSITE AND BY**
23 **PRESS RELEASE;**

24 2. **EACH MEMBER OF THE GENERAL ASSEMBLY**
25 **REPRESENTING THE DISTRICT IN WHICH THE STATE FACILITY IS LOCATED, BY**
26 **E-MAIL AND CERTIFIED MAIL; AND**

27 3. **ANY EXCLUSIVE REPRESENTATIVE WITH BARGAINING**
28 **UNIT EMPLOYEES ASSIGNED TO THE STATE FACILITY, BY E-MAIL AND CERTIFIED**
29 **MAIL;**

1 **(III) SUBMIT A REPORT JUSTIFYING THE CLOSURE TO THE**
2 **GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT**
3 **ARTICLE:**

4 **1. THE SENATE FINANCE COMMITTEE;**

5 **2. THE SENATE BUDGET AND TAXATION COMMITTEE;**

6 **3. THE HOUSE HEALTH AND GOVERNMENT**
7 **OPERATIONS COMMITTEE; AND**

8 **4. THE HOUSE APPROPRIATIONS COMMITTEE;**

9 **(IV) AT LEAST 270 DAYS BEFORE HOLDING THE PUBLIC**
10 **HEARING, MAKE THE REPORT REQUIRED BY THIS PARAGRAPH PUBLICLY**
11 **AVAILABLE; AND**

12 **(V) AT LEAST 90 DAYS BEFORE HOLDING THE PUBLIC HEARING,**
13 **ALLOW EACH EXCLUSIVE REPRESENTATIVE AND A COMMITTEE LISTED UNDER ITEM**
14 **(III) OF THIS PARAGRAPH THAT RECEIVES THE REPORT REQUIRED BY THIS**
15 **SUBSECTION TO SUBMIT COMMENTS ON THE REPORT.**

16 **(2) THE REPORT REQUIRED UNDER PARAGRAPH (1)(III) OF THIS**
17 **SUBSECTION SHALL ADDRESS:**

18 **(I) THE REASONS FOR THE CLOSURE;**

19 **(II) THE PLAN FOR CONTINUING OR DISCONTINUING THE STATE**
20 **FACILITY'S OPERATIONS;**

21 **(III) THE ANTICIPATED BUDGETARY IMPACT OF THE CLOSURE;**

22 **(IV) ANY PLANS FOR ASSISTING STATE EMPLOYEES AFFECTED**
23 **BY THE CLOSURE IN FINDING OTHER EMPLOYMENT; AND**

24 **(V) ANY PLANS FOR THE STATE FACILITY AFTER THE CLOSURE.**

25 **[(d)] (E) (1) Before a principal department leases or purchases land,**
26 **buildings, or office space to be used for the purpose of providing health, juvenile, or**
27 **correctional services to clients or inmates, the principal department shall give written**
28 **notice of the proposed use of the land, buildings, or office space to each member of the**
29 **General Assembly in whose legislative district the property is located.**

1 (2) (i) A member of the General Assembly may request that the
2 department hold a public hearing on the proposed use.

3 (ii) The department on whose behalf the property is being procured
4 or leased shall hold a public hearing on the proposed use upon the request of a member of
5 the General Assembly.

6 (iii) The department shall give notice of the hearing to the public as
7 provided in subsection (c)(2)(i) of this section.

8 **[(e)] (F)** (1) If, after a principal department ceases its use of a State facility,
9 the principal department or any other principal department plans to recommence operation
10 of the facility as a State facility, and the proposed operation of the facility would change its
11 use, purpose, or function, the principal department shall hold a public hearing on the
12 proposed operation.

13 (2) The principal department shall give notice of the hearing to the public
14 as provided in subsection (c)(2)(i) of this section.

15 **(G) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ALTER OR**
16 **DIMINISH AN EXCLUSIVE REPRESENTATIVE'S RIGHT TO BARGAIN.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2023.