

# HOUSE BILL 395

P3, P4

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CF SB 223

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By: Delegates White, Alston, Guzzone, Hill, S. Johnson, Kelly, Lehman, Lopez, McCaskill, Phillips, Ruth, Taveras, ~~and Terrasa~~ Terrasa, Bagnall, Bhandari, Chisholm, Cullison, Hutchinson, Kaiser, Kerr, Kipke, R. Lewis, Martinez, M. Morgan, Pena–Melnik, Rosenberg, and Woods

Introduced and read first time: January 26, 2023

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2023

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## CHAPTER \_\_\_\_\_

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.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

6 (III) **“CHANGE THE USE, PURPOSE, OR FUNCTION” DOES NOT**  
 7 **INCLUDE CLOSING A STATE FACILITY.**

8 (3) **“CLOSE A STATE FACILITY” MEANS TO CEASE, DISCONTINUE, OR**  
 9 **SUBSTANTIALLY ELIMINATE ACTIVITIES CARRIED OUT WITHIN THE STATE**  
 10 **FACILITY.**

11 (4) **“EXCLUSIVE REPRESENTATIVE” HAS THE MEANING STATED IN §**  
 12 **3–101 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

13 [(3)] (5) (i) “Public hearing” means an informational hearing, the sole  
 14 purpose of which is to obtain public comment and answer public questions.

15 (ii) “Public hearing” does not mean a contested case hearing under  
 16 Title 10, Subtitle 2 of this article.

17 [(4)] (6) “State facility” means:

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

20 (II) **A FACILITY TO WHICH 25 OR MORE STATE EMPLOYEES ARE**  
 21 **REGULARLY ASSIGNED.**

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

26 (2) **A PRINCIPAL DEPARTMENT OF THE EXECUTIVE BRANCH OF THE**  
 27 **STATE GOVERNMENT MAY NOT CLOSE A STATE FACILITY WITHOUT COMPLYING**  
 28 **WITH THE REQUIREMENTS OF SUBSECTION (D) OF THIS SECTION.**

29 (c) (1) ~~Before~~ **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,**  
 30 **BEFORE** a principal department changes the use, purpose, or function of a State facility,  
 31 the principal department shall [hold a public hearing on the proposed change]:

32 (I) **HOLD A PUBLIC HEARING; AND**

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

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

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

7                   3. ANY EXCLUSIVE REPRESENTATIVE WITH BARGAINING  
8 UNIT EMPLOYEES ASSIGNED TO THE STATE FACILITY, BY E-MAIL AND CERTIFIED  
9 MAIL.

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

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

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

18                  (III) TO ANY EXCLUSIVE REPRESENTATIVE WITH BARGAINING  
19 UNIT EMPLOYEES ASSIGNED TO THE STATE FACILITY, BY E-MAIL AND CERTIFIED  
20 MAIL.

21                  (3) IF A GOVERNMENT AGENCY OR JUDICIAL BODY DETERMINES  
22 THAT THERE IS AN EMERGENCY SITUATION THAT POSES A RISK TO THE HEALTH OR  
23 SAFETY OF PATIENTS, INMATES, RESIDENTS, OR EMPLOYEES OF A STATE FACILITY,  
24 THE PRINCIPAL DEPARTMENT MAY MODIFY THE TIMELINES REQUIRED BY THIS  
25 SUBSECTION, PROVIDED THAT ANY MODIFICATIONS MADE BY THE PRINCIPAL  
26 DEPARTMENT SHALL PROVIDE THE NOTICE, HEARING, AND OPPORTUNITY FOR  
27 COMMENT REQUIRED BY THIS SUBSECTION AT THE EARLIEST POSSIBLE DATE,  
28 UNLESS ORDERED OTHERWISE BY THE GOVERNMENT AGENCY OR JUDICIAL BODY.

29                  (D) (1) ~~BEFORE~~ SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,  
30 BEFORE A PRINCIPAL DEPARTMENT CLOSES A STATE FACILITY, THE PRINCIPAL  
31 DEPARTMENT SHALL:

32                  (I) HOLD A PUBLIC HEARING;

1 (II) AT LEAST 180 DAYS BEFORE THE PUBLIC HEARING, GIVE  
2 NOTICE TO:

3 1. THE PUBLIC, ON THE DEPARTMENT'S WEBSITE AND BY  
4 PRESS RELEASE;

5 2. EACH MEMBER OF THE GENERAL ASSEMBLY  
6 REPRESENTING THE DISTRICT IN WHICH THE STATE FACILITY IS LOCATED, BY  
7 E-MAIL AND CERTIFIED MAIL; AND

8 3. ANY EXCLUSIVE REPRESENTATIVE WITH BARGAINING  
9 UNIT EMPLOYEES ASSIGNED TO THE STATE FACILITY, BY E-MAIL AND CERTIFIED  
10 MAIL;

11 (III) SUBMIT A REPORT ~~JUSTIFYING~~ EXPLAINING THE CLOSURE  
12 TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE  
13 GOVERNMENT ARTICLE:

14 1. THE SENATE FINANCE COMMITTEE;

15 2. THE SENATE BUDGET AND TAXATION COMMITTEE;

16 3. THE HOUSE HEALTH AND GOVERNMENT  
17 OPERATIONS COMMITTEE; AND

18 4. THE HOUSE APPROPRIATIONS COMMITTEE;

19 (IV) AT LEAST 270 DAYS BEFORE HOLDING THE PUBLIC  
20 HEARING, MAKE THE REPORT REQUIRED BY THIS PARAGRAPH PUBLICLY  
21 AVAILABLE; AND

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

26 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1)(III) OF THIS  
27 SUBSECTION SHALL ADDRESS:

28 (I) THE REASONS FOR THE CLOSURE;

29 (II) THE PLAN FOR CONTINUING OR DISCONTINUING THE STATE  
30 FACILITY'S OPERATIONS;

1 (III) THE ANTICIPATED BUDGETARY IMPACT OF THE CLOSURE;

2 (IV) ANY PLANS FOR ASSISTING STATE EMPLOYEES AFFECTED  
3 BY THE CLOSURE IN FINDING OTHER EMPLOYMENT; ~~AND~~

4 (V) ANY PLANS FOR ASSISTING THE PATIENTS, INMATES, OR  
5 RESIDENTS AFFECTED BY THE CLOSURE; AND

6 (VI) ANY PLANS FOR THE STATE FACILITY AFTER THE CLOSURE.

7 (3) IF A GOVERNMENT AGENCY OR JUDICIAL BODY DETERMINES  
8 THAT THERE IS AN EMERGENCY SITUATION THAT POSES A RISK TO THE HEALTH OR  
9 SAFETY OF PATIENTS, INMATES, RESIDENTS, OR EMPLOYEES OF A STATE FACILITY,  
10 THE PRINCIPAL DEPARTMENT MAY MODIFY THE TIMELINES REQUIRED BY THIS  
11 SUBSECTION, PROVIDED THAT ANY MODIFICATIONS MADE BY THE PRINCIPAL  
12 DEPARTMENT SHALL PROVIDE THE NOTICE, HEARING, AND OPPORTUNITY FOR  
13 COMMENT REQUIRED BY THIS SUBSECTION AT THE EARLIEST POSSIBLE DATE,  
14 UNLESS ORDERED OTHERWISE BY THE GOVERNMENT AGENCY OR JUDICIAL BODY.

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

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

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

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

27 [(e)] (F) (1) If, after a principal department ceases its use of a State facility,  
28 the principal department or any other principal department plans to recommence operation  
29 of the facility as a State facility, and the proposed operation of the facility would change its  
30 use, purpose, or function, the principal department shall hold a public hearing on the  
31 proposed operation.

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

1           **(G) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ALTER OR**  
2 **DIMINISH AN EXCLUSIVE REPRESENTATIVE’S RIGHT TO BARGAIN.**

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.