

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 395

(Delegate White, *et al.*)

Health and Government Operations

Education, Energy, and the Environment

State Government - State Facilities Changes and Closures - Procedures

This bill establishes specified notice, public hearing, and reporting requirements when a principal department of the Executive Branch of State government seeks to close a State facility. The bill also modifies existing notice and public hearing requirements that generally must be followed when a principal department seeks to (1) change the use, purpose, or function of a State facility; (2) lease or purchase property for the purpose of providing health, juvenile, or correctional services to clients or inmates; or (3) recommence operations of a State facility. The bill expands the notice and hearing requirements in each of these circumstances to apply for a facility to which 25 or more State employees are regularly assigned. The bill may not be construed to alter or diminish an exclusive representative's right to bargain.

Fiscal Summary

State Effect: The bill's requirements can likely be handled with existing budgeted resources. State operations and finances may be affected to the extent that the bill delays the closure, reopening, or change in use of any State facility, but any such effect is likely to be minimal and absorbable.

Local Effect: The bill does not directly affect local government operations and finances.

Small Business Effect: None.

Analysis

Bill Summary: The definition of "State facility" is expanded to include any facility to which 25 or more State employees are regularly assigned. Thus, the following notice and

hearing requirements apply for any such facility in addition to a facility owned, leased, or operated by the State for the purpose of providing health, juvenile, or correctional services to clients or inmates.

Closure of State Facilities

Before a principal department of the Executive Branch of State government closes a State facility, the principal department must hold a public hearing. At least 180 days before the public hearing, the department must (1) give notice to the public, each member of the General Assembly that represents the district in which the facility is located, and any exclusive representative with bargaining unit employees assigned to the facility and (2) submit a report explaining the closure to the Governor and specified committees of the General Assembly. At least 270 days before the hearing, the department must make the report publicly available, and at least 90 days before the hearing, allow each exclusive representative and committee that receives the report to submit comments on the report.

The report must address the reasons for the closure; the plan for continuing or discontinuing State facility operations; the anticipated budgetary impact of the closure; any plans for assisting State employees affected by the closure in finding other employment; any plans for assisting the patients, inmates, or residents affected by the closure; and any plans for the State facility after the closure.

If a government agency or judicial body determines that there is an emergency situation that poses a risk to the health or safety of patients, inmates, residents, or employees of a State facility, the principal department may modify the aforementioned timelines as long as the modifications provide the notice, hearing, and opportunity for comment at the earliest possible date, unless ordered otherwise by the government agency or judicial body.

Other State Facility Changes

Before a principal department changes the use, purpose, or function of a State facility, the principal department must hold a public hearing and, at least 90 days before the hearing, give notice to (1) the public, using the department's website and by press release; (2) any member of the General Assembly in whose district the State facility is located, by electronic mail and certified mail; and (3) any exclusive representative with bargaining unit employees assigned to the State facility, by electronic mail and certified mail. The principal department must again give notice of the hearing at least 30 days before the hearing to the same parties in the same manner.

The same notice and hearing requirements apply under specified circumstances when a principal department leases or purchases land, buildings, or office space to be used for the purpose of providing health, juvenile, or correctional services to clients or inmates and if

the use of a State facility is ceased and recommences for a different use, purpose, or function.

If a government agency or judicial body determines that there is an emergency situation that poses a risk to the health or safety of patients, inmates, residents, or employees of a State facility, the principal department may modify the aforementioned timelines as long as the modifications provide the notice, hearing, and opportunity for comment at the earliest possible date, unless ordered otherwise by the government agency or judicial body.

Current Law: A principal department of the Executive Branch of State government that seeks to modify its use of a State facility that is owned, leased, or operated by the State for the purpose of providing health, juvenile, or correctional services to clients or inmates, must hold a public hearing in the following three circumstances and using the following procedures.

- First, before a principal department of the Executive Branch of State government changes the use, purpose, or function of a State facility, notice of the proposed change and the public hearing must be given to (1) each member of the General Assembly in whose district the facility is located, by certified mail and (2) the general public, by publication once a week for two consecutive weeks before the hearing in a regularly published newspaper of general circulation in any county that may be affected by the change.
- Second, before a principal department leases or purchases land, buildings, or office space to be used for the purpose of providing health, juvenile, or correctional services to clients or inmates, the principal department must give written notice of the proposed use of the land, buildings, or office space to each member of the General Assembly in whose legislative district the property is located. In this circumstance, a member of the General Assembly may request that the department hold a public hearing on the proposed use. If a request is made, the department on whose behalf the property is being procured or leased must hold a public hearing on the proposed use and provide notice to the general public in the same manner described above.
- Third, if after a principal department ceases its use of a State facility, and the principal department or any other principal department plans to recommence operation of the facility as a State facility, and the proposed operation of the facility would change its use, function, or purpose, the principal department must hold a public hearing of the proposed operations. Notice of the hearing must be given to the general public in the manner described above.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 223 (Senator Augustine, *et al.*) - Education, Energy, and the Environment.

Information Source(s): Maryland Department of Emergency Management; Governor's Office; Maryland Department of Aging; Maryland Department of Agriculture; Department of Budget and Management; Maryland Department of Disabilities; Department of General Services; Maryland Department of Health; Department of Housing and Community Development; Department of Natural Resources; Maryland Department of Planning; Department of Public Safety and Correctional Services; Board of Public Works; Department of State Police; Maryland Department of Transportation; Department of Commerce; Department of Veterans Affairs; Maryland Department of the Environment; Department of Legislative Services

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