

HOUSE BILL 1138

P3, P4

4lr1079
CF SB 731

By: **Delegates Rosenberg, Attar, and Ruff**

Introduced and read first time: February 7, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Facilities – Procedures for Changes and Closures – Definition and**
3 **Reporting**

4 FOR the purpose of specifying that certain requirements for purchasing, leasing, changing
5 the use of, or closing State facilities apply to facilities owned, leased, or operated for
6 the purpose of providing benefits to clients; requiring the Department of Human
7 Services to submit a report on certain State facility closures to certain committees of
8 the General Assembly; and generally relating to changing the use of or closing State
9 facilities.

10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 8–306
13 Annotated Code of Maryland
14 (2021 Replacement Volume and 2023 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – State Government**

18 8–306.

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

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

23 (ii) “Change the use, purpose, or function” does not mean a gradual
24 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.



(iii) “Change the use, purpose, or function” does not include closing a State facility.

(3) “Close a State facility” means to cease, discontinue, or substantially eliminate activities carried out within the State facility.

(4) “Exclusive representative” has the meaning stated in § 3–101 of the State Personnel and Pensions Article.

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

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

(6) “State facility” means:

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

(ii) a facility to which 25 or more State employees are regularly assigned.

(b) (1) A principal department of the Executive Branch of the State government may not change the use, purpose, or function of a State facility without complying with the requirements of subsection (c) of this section.

(2) A principal department of the Executive Branch of the State government may not close a State facility without complying with the requirements of subsection (d) of this section.

(c) (1) Subject to paragraph (3) of this subsection, before a principal department changes the use, purpose, or function of a State facility, the principal department shall:

(i) hold a public hearing; and

(ii) at least 90 days before the public hearing, give notice to:

1. the public, on the principal department’s website and by press release;

2. any member of the General Assembly in whose district the State facility is located, by e-mail and certified mail; and

1 3. any exclusive representative with bargaining unit
2 employees assigned to the State facility, by e-mail and certified mail.

3 (2) The principal department shall, at least 30 days before the public
4 hearing, give notice of the hearing:

5 (i) to the public, on the principal department's website and by press
6 release;

7 (ii) to each member of the General Assembly in whose district the
8 facility is located, by e-mail and certified mail; and

9 (iii) to any exclusive representative with bargaining unit employees
10 assigned to the State facility, by e-mail and certified mail.

11 (3) If a government agency or judicial body determines that there is an
12 emergency situation that poses a risk to the health or safety of patients, inmates, residents,
13 or employees of a State facility, the principal department may modify the timelines
14 required by this subsection, provided that any modifications made by the principal
15 department shall provide the notice, hearing, and opportunity for comment required by this
16 subsection at the earliest possible date, unless ordered otherwise by the government agency
17 or judicial body.

18 (d) (1) Subject to paragraph (3) of this subsection, before a principal
19 department closes a State facility, the principal department shall:

20 (i) hold a public hearing;

21 (ii) at least 180 days before the public hearing, give notice to:

22 1. the public, on the department's website and by press
23 release;

24 2. each member of the General Assembly representing the
25 district in which the State facility is located, by e-mail and certified mail; and

26 3. any exclusive representative with bargaining unit
27 employees assigned to the State facility, by e-mail and certified mail;

28 (iii) submit a report explaining the closure to the Governor and, in
29 accordance with § 2-1257 of the State Government Article:

30 1. the Senate Finance Committee;

31 2. the Senate Budget and Taxation Committee;

1 3. the House Health and Government Operations
2 Committee; and

3 4. the House Appropriations Committee;

4 (iv) at least 270 days before holding the public hearing, make the
5 report required by this paragraph publicly available; and

6 (v) at least 90 days before holding the public hearing, allow each
7 exclusive representative and a committee listed under item (iii) of this paragraph that
8 receives the report required by this subsection to submit comments on the report.

9 (2) The report required under paragraph (1)(iii) of this subsection shall
10 address:

11 (i) the reasons for the closure;

12 (ii) the plan for continuing or discontinuing the State facility's
13 operations;

14 (iii) the anticipated budgetary impact of the closure;

15 (iv) any plans for assisting State employees affected by the closure in
16 finding other employment;

17 (v) any plans for assisting the patients, inmates, or residents
18 affected by the closure; and

19 (vi) any plans for the State facility after the closure.

20 (3) If a government agency or judicial body determines that there is an
21 emergency situation that poses a risk to the health or safety of patients, inmates, residents,
22 or employees of a State facility, the principal department may modify the timelines
23 required by this subsection, provided that any modifications made by the principal
24 department shall provide the notice, hearing, and opportunity for comment required by this
25 subsection at the earliest possible date, unless ordered otherwise by the government agency
26 or judicial body.

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

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

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

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

(f) (1) If, after a principal department ceases its use of a State facility, 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, purpose, or function, the principal department shall hold a public hearing on the proposed operation.

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

(g) Nothing in this section shall be construed to alter or diminish an exclusive representative's right to bargain.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before August 1, 2024, the Department of Human Services shall report to the Senate Finance Committee, the Senate Budget and Taxation Committee, the House Health and Government Operations Committee, and the House Appropriations Committee, in accordance with § 2-1257 of the State Government Article, on:

(1) any State facility owned, leased, or operated by the Department for the purpose of providing benefits to clients that was closed on or after January 1, 2023;

(2) the reasons for any identified closure;

(3) the Department's plans or actions taken to continue or discontinue the operations of any State facility identified under item (1) of this section;

(4) the budgetary impact of any identified closure;

(5) any plans or actions taken to assist State employees affected by any identified closure in finding other employment;

(6) any plans or actions taken to assist clients affected by any identified closure; and

(7) any plans or actions taken regarding the State facility after any identified closure.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.