

# HOUSE BILL 1138

P3, P4

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CF SB 731

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

Introduced and read first time: February 7, 2024

Assigned to: Health and Government Operations

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## 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.

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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 include closing a  
2 State facility.

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

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

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

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

11 (6) “State facility” means:

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

15 (ii) a facility to which 25 or more State employees are regularly  
16 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  
19 complying with the requirements of subsection (c) of this section.

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

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

26 (i) hold a public hearing; and

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

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

30 2. any member of the General Assembly in whose district the  
31 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.

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

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

6 (f) (1) If, after a principal department ceases its use of a State facility, the  
7 principal department or any other principal department plans to recommence operation of  
8 the facility as a State facility, and the proposed operation of the facility would change its  
9 use, purpose, or function, the principal department shall hold a public hearing on the  
10 proposed operation.

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

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

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

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

22 (2) the reasons for any identified closure;

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

25 (4) the budgetary impact of any identified closure;

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

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

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

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
33 1, 2024.