

Chapter 118

(Senate Bill 223)

AN ACT concerning

State Government – State Facilities Changes and Closures – Procedures

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

BY repealing and reenacting, with amendments,
 Article – State Government
 Section 8–306
 Annotated Code of Maryland
 (2021 Replacement Volume and 2022 Supplement)

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

Article – State Government

8–306.

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

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

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

(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.

[(3)] (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.

[(4)] (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 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 [giving notice as required in] **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) ~~Before~~ **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 [hold a public hearing on the proposed change]:

(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

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

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

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

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

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

(3) 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 TIMELINES REQUIRED BY THIS SUBSECTION, PROVIDED THAT ANY MODIFICATIONS MADE BY THE PRINCIPAL DEPARTMENT SHALL PROVIDE THE NOTICE, HEARING, AND OPPORTUNITY FOR COMMENT REQUIRED BY THIS SUBSECTION AT THE EARLIEST POSSIBLE DATE, UNLESS ORDERED OTHERWISE BY THE GOVERNMENT AGENCY OR JUDICIAL BODY.

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

(I) HOLD A PUBLIC HEARING;

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

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

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

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

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

1. THE SENATE FINANCE COMMITTEE;
2. THE SENATE BUDGET AND TAXATION COMMITTEE;
3. THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE; AND
4. THE HOUSE APPROPRIATIONS COMMITTEE;

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

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

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

- (I) THE REASONS FOR THE CLOSURE;
- (II) THE PLAN FOR CONTINUING OR DISCONTINUING THE STATE FACILITY'S OPERATIONS;
- (III) THE ANTICIPATED BUDGETARY IMPACT OF THE CLOSURE;
- (IV) ANY PLANS FOR ASSISTING STATE EMPLOYEES AFFECTED BY THE CLOSURE IN FINDING OTHER EMPLOYMENT; ~~AND~~
- (V) ANY PLANS FOR ASSISTING THE PATIENTS, INMATES, OR RESIDENTS AFFECTED BY THE CLOSURE; AND
- (VI) ANY PLANS FOR THE STATE FACILITY AFTER THE CLOSURE.

(3) 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 TIMELINES REQUIRED BY THIS SUBSECTION, PROVIDED THAT ANY MODIFICATIONS MADE BY THE PRINCIPAL DEPARTMENT SHALL PROVIDE THE NOTICE, HEARING, AND OPPORTUNITY FOR

COMMENT REQUIRED BY THIS SUBSECTION AT THE EARLIEST POSSIBLE DATE, UNLESS ORDERED OTHERWISE BY THE GOVERNMENT AGENCY OR JUDICIAL BODY.

[(d)] (E) (1) 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 shall 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.

(2) (i) A member of the General Assembly may request that the 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.

[(e)] (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 this Act shall take effect October 1, 2023.

Approved by the Governor, April 24, 2023.