

# SENATE BILL 731

P3, P4

4lr1513  
CF 4lr1079

---

By: **Senator Carter**

Introduced and read first time: January 31, 2024

Assigned to: Education, Energy, and the Environment

---

## 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 (As enacted by Chapter 721 of the Acts of the General Assembly of 2023)

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

18 **Article – State Government**

19 8–306.

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

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

13 (6) “State facility” means:

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

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

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

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

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

28 (i) hold a public hearing; and

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

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

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

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

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

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

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

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

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

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

22                   (i)     hold a public hearing;

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

24                   1.     the public, on the department's website and by press  
25 release;

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

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

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

32                   1.     the Senate Finance Committee;

- 1    2.        the Senate Budget and Taxation Committee;
- 2    3.        the House Health and Government Operations
- 3 Committee; and
- 4    4.        the House Appropriations Committee;

5    (iv)     at least 270 days before holding the public hearing, make the

6 report required by this paragraph publicly available; and

7    (v)     at least 90 days before holding the public hearing, allow each

8 exclusive representative and a committee listed under item (iii) of this paragraph that

9 receives the report required by this subsection to submit comments on the report.

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

11 address:

12    (i)     the reasons for the closure;

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

14 operations;

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

16    (iv)    any plans for assisting State employees affected by the closure in

17 finding other employment;

18    (v)     any plans for assisting the patients, incarcerated individuals, or

19 residents affected by the closure; and

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

21    (3)     If a government agency or judicial body determines that there is an

22 emergency situation that poses a risk to the health or safety of patients, incarcerated

23 individuals, residents, or employees of a State facility, the principal department may

24 modify the timelines required by this subsection, provided that any modifications made by

25 the principal department shall provide the notice, hearing, and opportunity for comment

26 required by this subsection at the earliest possible date, unless ordered otherwise by the

27 government agency or judicial body.

28    (e)     (1)     Before a principal department leases or purchases land, buildings, or

29 office space to be used for the purpose of providing health, juvenile, or correctional services

30 **OR BENEFITS** to clients or incarcerated individuals, the principal department shall give

31 written notice of the proposed use of the land, buildings, or office space to each member of

32 the General Assembly in whose legislative district the property is located.

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

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

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

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

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

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

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

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

24           (2) the reasons for any identified closure;

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

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

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

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

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

1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2 1, 2024.