

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 748 Session of 2017

INTRODUCED BY ARGALL, BAKER, BROOKS, FONTANA, YUDICHAK, GORDNER, RAFFERTY, WARD, COSTA AND BLAKE, JUNE 23, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 10, 2018

AN ACT

1 Providing for public safety facilities.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Public Safety  
6 Facilities Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall  
9 have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Closure." The temporary or permanent shutdown of a ~~single~~ <--  
12 ~~site~~ PUBLIC SAFETY FACILITY that results in the loss or <--  
13 reassignment of employment and the cessation or relocation of  
14 primary operations for any period longer than 180 days.

15 "Political subdivision." A county, city, borough, town,  
16 township or school district.

1 "Public entity." ~~A Commonwealth department or commission~~ <--  
2 ~~that owns or maintains direction and control over the work~~  
3 ~~performed within a public safety facility.~~ THE DEPARTMENT OF <--  
4 CORRECTIONS OR THE PENNSYLVANIA STATE POLICE.

5 "Public safety facility." ~~A State owned or State leased~~ <--  
6 ~~building or structure under the jurisdiction of the Pennsylvania~~  
7 ~~State Police or Department of Corrections, including a barracks~~  
8 ~~or State correctional institution, that for the previous 12~~  
9 ~~months employs 12 or more full-time individuals who are trained~~  
10 ~~to provide law enforcement, security or care, custody and~~  
11 ~~control of inmates.~~ A STATE CORRECTIONAL INSTITUTION OPERATED BY <--  
12 THE DEPARTMENT OF CORRECTIONS OR A STATION OPERATED BY THE  
13 PENNSYLVANIA STATE POLICE.

14 Section 3. Notice of proposed closure of public safety  
15 facilities and duties of public entities.

16 (a) General rule.--Except as provided under subsection (c),  
17 at the time a closure of a public safety facility is reasonably  
18 proposed and no later than ~~12~~ THREE months prior to ~~a closure~~ AN <--  
19 ANNOUNCEMENT OF A CLOSURE UNDER SECTION 4(1), the public entity  
20 shall provide written notice to all of the following  
21 stakeholders:

22 (1) The Governor's Office.

23 (2) The Secretary of Corrections or the Commissioner of  
24 the Pennsylvania State Police, whichever is not the public  
25 entity.

26 (3) The chairperson of the Pennsylvania Board of  
27 Probation and Parole.

28 (4) The chairperson of the Pennsylvania Commission on  
29 Crime and Delinquency.

30 (5) The Secretary of Administration.

- 1 (6) The Secretary of General Services.
- 2 (7) The Secretary of Community and Economic Development.
- 3 (8) The Secretary of Labor and Industry.
- 4 (9) The Secretary of Human Services.
- 5 (10) All Federal, State and local elected officials of
- 6 each political subdivision in which the public safety
- 7 facility is located.
- 8 (11) Representatives of each employee labor organization
- 9 that represents employees within the public safety facility.
- 10 (12) Any other department, agency, board, commission or
- 11 organization deemed necessary by the public entity or the
- 12 Governor's Office.

13 (b) Duties of public entity.--Except as provided under

14 subsection (c), after providing notice of a proposed closure to

15 stakeholders under subsection (a), the public entity shall:

16 (1) Request and analyze information from stakeholders

17 and any other relevant Commonwealth departments and local

18 entities regarding the impacts of the proposed closure of the

19 public safety facility on all of the following:

20 (i) State and local resources for the delivery of

21 law enforcement and care, custody and control of inmates

22 and the protection of public health, safety and welfare.

23 (ii) The work force of the public safety facility.

24 (iii) The State, regional and local economies and

25 labor markets.

26 (iv) The financial resources of State and local

27 entities.

28 (v) The feasibility of reusing or repurposing the

29 public safety facility, including recommendations to make

30 best use of available resources and programs.

1 (2) Hold at least one public hearing in the county in  
2 which the public safety facility is located ~~at least 120 days~~ <--  
3 prior to a final decision ~~and announcement~~ of a closure. <--  
4 NOTICE OF THE HEARING SHALL BE GIVEN IN A NEWSPAPER OF <--  
5 GENERAL CIRCULATION IN THE COUNTY AT LEAST 15 DAYS PRIOR TO  
6 THE DATE OF THE HEARING.

7 (3) Make a written report detailing the recommendations  
8 from the stakeholders identified under subsection (a) to the  
9 Governor, the Majority Leader and Minority Leader of the  
10 Senate and the Majority Leader and Minority Leader of the  
11 House of Representatives.

12 (4) PROVIDE PUBLIC SAFETY FACILITY EMPLOYEES WHO ARE <--  
13 REPRESENTED BY AN EMPLOYEE LABOR ORGANIZATION 60 DAYS TO  
14 COMPLETE AND SUBMIT A SELECTION FORM. THE COMPLETION AND  
15 SUBMISSION OF A SELECTION FORM DOES NOT GUARANTEE A PLACEMENT  
16 FOR EMPLOYMENT.

17 (c) Exception.--A public safety facility may be closed  
18 without complying with the provisions of subsections (a) and (b)  
19 if:

20 (1) It is determined by the Governor that its full use  
21 and occupation present ~~an immediate~~ A threat to the life, <--  
22 health or safety of a classification of inmates or employees  
23 within the public safety facility or of the community.

24 (2) Written notice detailing the reasons for the closure  
25 is provided to the Majority Leader and Minority Leader of the  
26 Senate and the Majority Leader and Minority Leader of the  
27 House of Representatives at the time the decision is made or  
28 as soon as practicable thereafter.

29 (3) IT IS DETERMINED BY THE COMMISSIONER OF THE <--  
30 PENNSYLVANIA STATE POLICE THAT THE PUBLIC SAFETY FACILITY IS

1 A PENNSYLVANIA STATE POLICE STATION RELOCATING TO A NEW  
2 FACILITY AND THE STATION IS NOT BEING CLOSED TO CONSOLIDATE  
3 IT WITH ANOTHER STATION.

4 Section 4. Closure of public safety facilities.

5 If, after submission of the written report required under  
6 section 3(b)(3), a public entity elects to close a public safety  
7 facility, the public entity must:

8 ~~(1) Provide 30 days' written notice by certified mail~~ <--  
9 ANNOUNCE THE CLOSURE OF THE PUBLIC SAFETY FACILITY to all of <--  
10 the following:

11 (i) Federal, State and local elected officials of  
12 each political subdivision in which the public safety  
13 facility is located.

14 (ii) The employee labor organizations representing  
15 employees of the public safety facility.

16 (iii) The managerial employees of the public safety  
17 facility.

18 (2) Coordinate with Commonwealth departments, political  
19 subdivisions and affected labor organizations to develop  
20 strategies that mitigate the impact of the closure on all of  
21 the following:

22 (i) The delivery of law enforcement.

23 (ii) The care, custody and control of inmates.

24 (iii) The work force of the public safety facility.

25 (iv) The regional and local economies.

26 (3) FINISH CLOSURE OF THE PUBLIC SAFETY FACILITY NO <--  
27 SOONER THAN FOUR MONTHS FROM THE ANNOUNCEMENT UNDER PARAGRAPH  
28 (1).

29 Section 5. Effective date.

30 This act shall take effect immediately.