

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 244 Session of
1991

INTRODUCED BY BELFANTI, LUCYK, McCALL, GEORGE, ALLEN, TIGUE,
BELARDI, STUBAN, HANNA, STISH, MUNDY, KRUSZEWSKI, CARONE,
JAROLIN, RUDY, RITTER, BATTISTO, CALTAGIRONE, ARGALL, HERMAN,
PHILLIPS, DAVIES, CAWLEY AND FREEMAN, FEBRUARY 4, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 12, 1991

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," requiring notice and public
21 hearings prior to the closure, sale, lease or transfer of any
22 State-owned institution.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
26 as The Administrative Code of 1929, is amended by adding

1 sections to read:

2 Section 508.1. Notice and Public Hearing Requirements for
3 State-Owned Institutions.--(a) At least thirty (30) days prior
4 to any department making a decision to close, sell, lease or
5 otherwise transfer the ownership or operational control of any
6 State-owned institution or to allow the material reduction of
7 complement, services or staff at any State-owned institution,
8 the department controlling the institution shall hold a public
9 hearing in the affected area.

10 (b) As used in this section and section 508.2, "State-owned
11 institution" shall mean any facility which is owned by the
12 Commonwealth, including, but not limited to, schools, colleges,
13 universities, armories, hospitals, mental hospitals, mental
14 retardation centers, correctional facilities and other
15 facilities of a similar nature.

16 Section 508.2. Maintenance of Services at State-Owned
17 Institutions.--A department may not close, sell, lease or
18 otherwise transfer the ownership or operational control of any
19 State-owned institution, nor may a department materially reduce
20 services at State-owned institutions, or materially reduce staff
21 levels without presenting a departmental proposal to the General
22 Assembly. Material reductions shall mean an annual reduction in
23 the complement of an institution of twenty-five per centum
24 (25%); and a material staff reduction shall mean a twenty-five
25 per centum (25%) annual reduction of the staff complement within
26 an institution. A departmental proposal shall be submitted to
27 the President pro tempore of the Senate and the Speaker of the
28 House of Representatives who shall respectfully refer such
29 proposal to the appropriate standing committees of the Senate
30 and the House of Representatives. Each committee shall hold a

1 public hearing on the departmental proposal within thirty (30)
2 calendar days of referral and report back to the Senate and the
3 House of Representatives. The committee report on the proposed
4 reduction in services, staff or facilities shall be placed on
5 the calendar of the Senate and of the House of Representatives.
6 If the General Assembly disapproves of this action within five
7 (5) legislative days after receipt of the committee report, then
8 such action may not take effect. No such proposed reduction
9 shall be transmitted to the General Assembly less than five (5)
10 legislative days immediately prior to or during any period of
11 recess or adjournment of either house for a period of one (1)
12 week or more.

13 ~~Section 2. This act shall be retroactive to January 1, 1991.~~ <—

14 SECTION 2. THE ADDITION OF SECTIONS 508.1 AND 508.2 OF THE <—

15 ACT SHALL APPLY RETROACTIVELY TO JANUARY 1, 1991, AS FOLLOWS:

16 (1) THE CLOSURE OF A STATE-OWNED INSTITUTION IN
17 VIOLATION OF SECTION 508.2 OF THE ACT WHICH OCCURS AFTER
18 DECEMBER 31, 1990, AND PRIOR TO THE EFFECTIVE DATE OF THIS
19 ACT SHALL BE INVALID. IF THE CLOSURE OF A STATE-OWNED
20 INSTITUTION IS INVALIDATED UNDER THIS PARAGRAPH, THE
21 DEPARTMENT SHALL REOPEN THE INSTITUTION.

22 (2) IF THE LEVEL OF SERVICES OR STAFF PROVIDED BY A
23 STATE-OWNED INSTITUTION IS REDUCED IN VIOLATION OF SECTION
24 508.2 OF THE ACT AFTER DECEMBER 31, 1990, AND PRIOR TO THE
25 EFFECTIVE DATE OF THIS ACT, THE LEVEL OF SERVICES OR STAFF
26 SHALL BE RESTORED TO THE LEVEL IN EXISTENCE ON JANUARY 1,
27 1991.

28 Section 3. This act shall take effect immediately.