

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 RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 11, 1991

AN ACT

1 ~~Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An~~ <—
2 ~~act to consolidate, editorially revise, and codify the public~~
3 ~~welfare laws of the Commonwealth," requiring notice and~~
4 ~~public hearings prior to the closure, sale, lease or transfer~~
5 ~~of any State general hospital.~~
6 AMENDING THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), ENTITLED <—
7 "AN ACT PROVIDING FOR AND REORGANIZING THE CONDUCT OF THE
8 EXECUTIVE AND ADMINISTRATIVE WORK OF THE COMMONWEALTH BY THE
9 EXECUTIVE DEPARTMENT THEREOF AND THE ADMINISTRATIVE
10 DEPARTMENTS, BOARDS, COMMISSIONS, AND OFFICERS THEREOF,
11 INCLUDING THE BOARDS OF TRUSTEES OF STATE NORMAL SCHOOLS, OR
12 TEACHERS COLLEGES; ABOLISHING, CREATING, REORGANIZING OR
13 AUTHORIZING THE REORGANIZATION OF CERTAIN ADMINISTRATIVE
14 DEPARTMENTS, BOARDS, AND COMMISSIONS; DEFINING THE POWERS AND
15 DUTIES OF THE GOVERNOR AND OTHER EXECUTIVE AND ADMINISTRATIVE
16 OFFICERS, AND OF THE SEVERAL ADMINISTRATIVE DEPARTMENTS,
17 BOARDS, COMMISSIONS, AND OFFICERS; FIXING THE SALARIES OF THE
18 GOVERNOR, LIEUTENANT GOVERNOR, AND CERTAIN OTHER EXECUTIVE
19 AND ADMINISTRATIVE OFFICERS; PROVIDING FOR THE APPOINTMENT OF
20 CERTAIN ADMINISTRATIVE OFFICERS, AND OF ALL DEPUTIES AND
21 OTHER ASSISTANTS AND EMPLOYES IN CERTAIN DEPARTMENTS, BOARDS,
22 AND COMMISSIONS; AND PRESCRIBING THE MANNER IN WHICH THE
23 NUMBER AND COMPENSATION OF THE DEPUTIES AND ALL OTHER
24 ASSISTANTS AND EMPLOYES OF CERTAIN DEPARTMENTS, BOARDS AND
25 COMMISSIONS SHALL BE DETERMINED," REQUIRING NOTICE AND PUBLIC
26 HEARINGS PRIOR TO THE CLOSURE, SALE, LEASE OR TRANSFER OF ANY
27 STATE-OWNED INSTITUTION.

28 The General Assembly of the Commonwealth of Pennsylvania
29 hereby enacts as follows:

1 ~~Section 1. The act of June 13, 1967 (P.L.31, No.21), known~~
2 ~~as the Public Welfare Code, is amended by adding sections to~~
3 ~~read:~~

4 ~~Section 318. Notice and Public Hearing. At least thirty~~
5 ~~days prior to the department making a decision to close, sell,~~
6 ~~lease or otherwise transfer the ownership or operational control~~
7 ~~of any hospital or affiliated school of nursing, State mental~~
8 ~~hospital, mental retardation center or other similar institution~~
9 ~~funded by the General Assembly or allows the material reduction~~
10 ~~of bed complement, services or staff at an institution, the~~
11 ~~department shall hold a public hearing in the affected area.~~

12 ~~Section 319. Maintenance of Services. The department may~~
13 ~~not close, sell, lease or otherwise transfer the ownership or~~
14 ~~operational control of any State general hospital or affiliated~~
15 ~~school of nursing, State mental hospital, mental retardation~~
16 ~~center or other similar institution funded by the General~~
17 ~~Assembly, nor may the department materially reduce services such~~
18 ~~as chaplaincy services at State facilities, or materially reduce~~
19 ~~staff levels without presenting their proposal to the General~~
20 ~~Assembly. Material reductions shall mean a reduction in the bed~~
21 ~~complement of an institution of five percent; and a material~~
22 ~~staff reduction shall mean a five percent reduction of the staff~~
23 ~~complement within an institution. The proposed reduction in~~
24 ~~services, staff or facilities shall be placed on the calendar of~~
25 ~~the House of Representatives and of the Senate. If either~~
26 ~~legislative body disapproves of said action within five~~
27 ~~legislative days, then such action may not take effect. No such~~
28 ~~proposed reduction shall be transmitted to the General Assembly~~
29 ~~less than five legislative days immediately prior to or during~~
30 ~~any period of recess or adjournment of either house for a period~~

1 ~~of one week or more.~~

2 SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <—
3 AS THE ADMINISTRATIVE CODE OF 1929, IS AMENDED BY ADDING
4 SECTIONS TO READ:

5 SECTION 508.1. NOTICE AND PUBLIC HEARING REQUIREMENTS FOR
6 STATE-OWNED INSTITUTIONS.--(A) AT LEAST THIRTY (30) DAYS PRIOR
7 TO ANY DEPARTMENT MAKING A DECISION TO CLOSE, SELL, LEASE OR
8 OTHERWISE TRANSFER THE OWNERSHIP OR OPERATIONAL CONTROL OF ANY
9 STATE-OWNED INSTITUTION OR TO ALLOW THE MATERIAL REDUCTION OF
10 COMPLEMENT, SERVICES OR STAFF AT ANY STATE-OWNED INSTITUTION,
11 THE DEPARTMENT CONTROLLING THE INSTITUTION SHALL HOLD A PUBLIC
12 HEARING IN THE AFFECTED AREA.

13 (B) AS USED IN THIS SECTION AND SECTION 508.2, "STATE-OWNED
14 INSTITUTION" SHALL MEAN ANY FACILITY WHICH IS OWNED BY THE
15 COMMONWEALTH, INCLUDING, BUT NOT LIMITED TO, SCHOOLS, COLLEGES,
16 UNIVERSITIES, ARMORIES, HOSPITALS, MENTAL HOSPITALS, MENTAL
17 RETARDATION CENTERS, CORRECTIONAL FACILITIES AND OTHER
18 FACILITIES OF A SIMILAR NATURE.

19 SECTION 508.2. MAINTENANCE OF SERVICES AT STATE-OWNED
20 INSTITUTIONS.--A DEPARTMENT MAY NOT CLOSE, SELL, LEASE OR
21 OTHERWISE TRANSFER THE OWNERSHIP OR OPERATIONAL CONTROL OF ANY
22 STATE-OWNED INSTITUTION, NOR MAY A DEPARTMENT MATERIALLY REDUCE
23 SERVICES AT STATE-OWNED INSTITUTIONS, OR MATERIALLY REDUCE STAFF
24 LEVELS WITHOUT PRESENTING A DEPARTMENTAL PROPOSAL TO THE GENERAL
25 ASSEMBLY. MATERIAL REDUCTIONS SHALL MEAN AN ANNUAL REDUCTION IN
26 THE COMPLEMENT OF AN INSTITUTION OF TWENTY-FIVE PER CENTUM
27 (25%); AND A MATERIAL STAFF REDUCTION SHALL MEAN A TWENTY-FIVE
28 PER CENTUM (25%) ANNUAL REDUCTION OF THE STAFF COMPLEMENT WITHIN
29 AN INSTITUTION. A DEPARTMENTAL PROPOSAL SHALL BE SUBMITTED TO
30 THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE

1 HOUSE OF REPRESENTATIVES WHO SHALL RESPECTFULLY REFER SUCH
2 PROPOSAL TO THE APPROPRIATE STANDING COMMITTEES OF THE SENATE
3 AND THE HOUSE OF REPRESENTATIVES. EACH COMMITTEE SHALL HOLD A
4 PUBLIC HEARING ON THE DEPARTMENTAL PROPOSAL WITHIN THIRTY (30)
5 CALENDAR DAYS OF REFERRAL AND REPORT BACK TO THE SENATE AND THE
6 HOUSE OF REPRESENTATIVES. THE COMMITTEE REPORT ON THE PROPOSED
7 REDUCTION IN SERVICES, STAFF OR FACILITIES SHALL BE PLACED ON
8 THE CALENDAR OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES.
9 IF THE GENERAL ASSEMBLY DISAPPROVES OF THIS ACTION WITHIN FIVE
10 (5) LEGISLATIVE DAYS AFTER RECEIPT OF THE COMMITTEE REPORT, THEN
11 SUCH ACTION MAY NOT TAKE EFFECT. NO SUCH PROPOSED REDUCTION
12 SHALL BE TRANSMITTED TO THE GENERAL ASSEMBLY LESS THAN FIVE (5)
13 LEGISLATIVE DAYS IMMEDIATELY PRIOR TO OR DURING ANY PERIOD OF
14 RECESS OR ADJOURNMENT OF EITHER HOUSE FOR A PERIOD OF ONE (1)
15 WEEK OR MORE.

16 Section 2. This act shall be retroactive to January 1, 1991.

17 Section 3. This act shall take effect immediately.