

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 REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 25, 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 (3) Make a written report detailing the recommendations
5 from the stakeholders identified under subsection (a) to the
6 Governor, the Majority Leader and Minority Leader of the
7 Senate and the Majority Leader and Minority Leader of the
8 House of Representatives.

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

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

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

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

26 (3) IT IS DETERMINED BY THE COMMISSIONER OF THE <--
27 PENNSYLVANIA STATE POLICE THAT THE PUBLIC SAFETY FACILITY IS
28 A PENNSYLVANIA STATE POLICE STATION RELOCATING TO A NEW
29 FACILITY AND THE STATION IS NOT BEING CLOSED TO CONSOLIDATE
30 IT WITH ANOTHER STATION.

1 Section 4. Closure of public safety facilities.

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

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

8 (i) Federal, State and local elected officials of
9 each political subdivision in which the public safety
10 facility is located.

11 (ii) The employee labor organizations representing
12 employees of the public safety facility.

13 (iii) The managerial employees of the public safety
14 facility.

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

19 (i) The delivery of law enforcement.

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

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

22 (iv) The regional and local economies.

23 (3) FINISH CLOSURE OF THE PUBLIC SAFETY FACILITY NO <--
24 SOONER THAN FOUR MONTHS FROM THE ANNOUNCEMENT UNDER PARAGRAPH
25 (1).

26 Section 5. Effective date.

27 This act shall take effect immediately.