

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1339 Session of 2010

INTRODUCED BY PIPPY, PICCOLA, FOLMER, FONTANA, ORIE, ERICKSON,
RAFFERTY, LOGAN AND MENSCH, MAY 5, 2010

REFERRED TO PUBLIC HEALTH AND WELFARE, MAY 5, 2010

AN ACT

1 Amending the act of April 28, 1999 (P.L.24, No.3), entitled "An
2 act requiring public hearings before closing State mental
3 health or mental retardation facilities," providing for
4 disposition of proceeds from facility closure.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. The act of April 28, 1999 (P.L.24, No.3), known
8 as the Mental Health or Mental Retardation Facility Closure Act,
9 is amended by adding a section to read:

10 Section 5.1. Disposition of proceeds.

11 (a) Proceeds.--

12 (1) If a State-owned mental health facility located in a
13 county of the second class is closed, all State-owned
14 property subject to the closure that is no longer being used
15 for mental health and mental retardation purposes and that is
16 not transferred to another governmental entity shall be sold
17 or leased at fair market value.

18 (2) All costs and fees relating to the sale or lease
19 incurred by the Department of General Services, including

1 costs of an auction, title search, notice, survey or
2 appraisal, shall be deducted from the purchase price and that
3 amount shall be an executively authorized augmentation to the
4 appropriation from which the costs and fees were paid by the
5 Department of General Services.

6 (3) All net proceeds of the sale or lease, less any
7 costs or fees under paragraph (2), shall be deposited into a
8 restricted receipt account to be known as the Mental Health
9 and Retardation Services Account which is hereby established
10 in the State Treasury. The net proceeds deposited into the
11 account shall be distributed by the department as follows:

12 (i) Fifty percent to mental health services for
13 individuals with mental illness in the service area of
14 the mental health facility in effect at the time of
15 closure.

16 (ii) Fifty percent to mental retardation services
17 for individuals with mental retardation in the service
18 area of the mental health facility in effect at the time
19 of closure.

20 (4) Funds distributed under paragraph (3) shall be used
21 in accordance with consumer-centered planning.

22 (b) Investment.--Any earnings received from the investment
23 or deposit of the moneys in the account shall remain in the
24 account and be distributed in accordance with subsection (a)(3).
25 Funds in the account shall not be transferred to the General
26 Fund.

27 (c) Limitation.--The department shall not reduce funds
28 available for mental health or mental retardation services in
29 the service area based on the amount of funds in the account.

30 Section 2. This act shall take effect immediately.