

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1448 Session of
2007

INTRODUCED BY FRANKEL, BENNINGTON, BEYER, BISHOP, BOYD, BUXTON,
CALTAGIRONE, COHEN, COSTA, CURRY, DALEY, DENLINGER,
DePASQUALE, FABRIZIO, FAIRCHILD, FREEMAN, GERGELY, GOODMAN,
GRELL, HARKINS, HENNESSEY, HORNAMAN, JAMES, JOSEPHS, KING,
KOTIK, KULA, LEVDANSKY, LONGIETTI, MAHONEY, MARKOSEK,
McILHATTAN, MELIO, MENSCH, MUNDY, NAILOR, M. O'BRIEN,
O'NEILL, PETRONE, RAPP, REICHLEY, SIPTROTH, SOLOBAY, SWANGER,
VULAKOVICH, WALKO, WHEATLEY, J. WHITE, YOUNGBLOOD, MURT,
K. SMITH AND RAMALEY, SEPTEMBER 25, 2007

AS REPORTED FROM COMMITTEE ON HEALTH AND HUMAN SERVICES, HOUSE
OF REPRESENTATIVES, AS AMENDED, DECEMBER 11, 2007

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 proceeds derived from facility disposition; and establishing
5 the Mental Health Community Services ~~Trust-Fund~~ ACCOUNT and <—
6 the Mental Retardation Community Services ~~Trust-Fund~~ ACCOUNT. <—

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The title of the act of April 28, 1999 (P.L.24,
10 No.3), known as the Mental Health or Mental Retardation Facility
11 Closure Act, is amended to read:

AN ACT

13 Requiring public hearings before closing State mental health or
14 mental retardation facilities[.]; providing for proceeds
15 derived from facility disposition; and establishing the
16 Mental Health Community Services ~~Trust-Fund~~ ACCOUNT and the <—

Mental Retardation Community Services Trust Fund ACCOUNT.

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Section 2. Section 2 of the act is amended by adding definitions to read:

Section 2. Definitions.

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

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"Mental health fund ACCOUNT." The Mental Health Community Services Trust Fund ACCOUNT established in section 5.1.

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"Mental retardation fund ACCOUNT." The Mental Retardation Community Services Trust Fund ACCOUNT established in section 5.1.

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Section 3. The act is amended by adding a section to read:
Section 5.1. Disposition of proceeds.

(a) Proceeds.--

(1) If a State-owned MENTAL HEALTH OR MENTAL RETARDATION facility is downsized, consolidated or closed, all State property associated with the downsizing, consolidation or closure that is no longer being used for facility purposes and that is not transferred to another governmental entity shall be sold or leased at fair market value.

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(2) THE COSTS AND FEES INCURRED BY THE DEPARTMENT OF GENERAL SERVICES, INCLUDING, BUT NOT LIMITED TO, COSTS OF AUCTIONS OR SALES AT AUCTION, TITLE SEARCHES, NOTICE, SURVEYS AND APPRAISALS, SHALL BE DEDUCTED FROM THE PURCHASE PRICE AND THAT AMOUNT SHALL BE AN EXECUTIVELY AUTHORIZED AUGMENTATION TO THE APPROPRIATION FROM WHICH THE COSTS AND FEES WERE PAID BY THE DEPARTMENT OF GENERAL SERVICES.

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~~(2)~~ (3) If the facility is a mental health facility, the net proceeds of the sale or lease, LESS ANY COSTS AND FEES REQUIRED IN ORDER TO EFFECT THE SALE OR LEASE OF THE FACILITY, shall be deposited into the Mental Health Community Services ~~Trust Fund~~ ACCOUNT, which is hereby established as a ~~special nonlapsing fund~~ RESTRICTED ACCOUNT in the State Treasury. If the facility is a mental retardation facility, the net proceeds of the sale or lease, LESS ANY COSTS OR FEES REQUIRED IN ORDER TO EFFECT THE SALE OR LEASE OF THE FACILITY, shall be deposited into the Mental Retardation Community Services ~~Trust Fund~~ ACCOUNT which is hereby established as a ~~special nonlapsing fund~~ RESTRICTED ACCOUNT in the State Treasury. THE MONEY IN THE MENTAL HEALTH ACCOUNT AND MENTAL RETARDATION ACCOUNT IS HEREBY APPROPRIATED, UPON APPROVAL OF THE GOVERNOR, TO THE DEPARTMENT OF PUBLIC WELFARE FOR THE PURPOSES SET FORTH IN SUBSECTIONS (D) AND (E).

~~(b) Additional funds. The General Assembly shall appropriate an amount equivalent to the amount of State operating cost reduction determined to be directly related to each facility downsizing, consolidation or closure to the mental health fund or mental retardation fund, as applicable.~~

~~(c) Investment. Moneys in the mental health fund and mental retardation fund shall be invested by the State Treasurer as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or~~

(B) INVESTMENT.--ALL EARNINGS RECEIVED FROM THE INVESTMENT OR deposit of the moneys in the mental health fund and mental retardation fund shall be paid into the respective fund for the ACCOUNT AND MENTAL RETARDATION ACCOUNT SHALL BE PAID INTO THE RESPECTIVE ACCOUNT FOR THE purposes authorized by this section.

~~(d)~~ (C) Certain transfer prohibited.--Any unexpended moneys and any interest earned on the money in the mental health fund ACCOUNT and mental retardation fund ACCOUNT may not be transferred or revert to the General Fund, but shall remain in the respective fund ACCOUNT to be used by the department for the purposes specified in this section.

~~(e)~~ (D) Limitations.--

(1) Any funds in the mental health fund or mental retardation fund ACCOUNT OR MENTAL RETARDATION ACCOUNT may not supplant resources for existing community resources.

(2) Any funds in the mental health fund shall be used to support a full range of housing options and services that ACCOUNT SHALL BE USED TO SUPPORT ONE-TIME COSTS FOR A FULL RANGE OF HOUSING OPTIONS THAT support independent living for individuals with serious mental illness.

(3) Any funds in the mental retardation fund ACCOUNT shall be used for one-time costs associated with the community mental retardation system.

(4) Any funds in the mental health fund or mental retardation fund ACCOUNT OR MENTAL RETARDATION ACCOUNT shall be used in accordance with consumer-centered planning.

~~(f)~~ (E) Remaining funds.--Any remaining funds after meeting the needs identified in subsection (e) shall be expended ON ONE-TIME COSTS in accordance with a plan developed by the department in consultation with consumers, family members, providers and mental health advocates.

Section 4. This act shall take effect in 60 days.