

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1383 Session of
2008

INTRODUCED BY FERLO, COSTA, FONTANA, WASHINGTON, RAFFERTY, ORIE,
MUSTO, LOGAN, EARLL, BAKER, O'PAKE, LAVALLE AND C. WILLIAMS,
MAY 2, 2008

REFERRED TO PUBLIC HEALTH AND WELFARE, MAY 2, 2008

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 Account and the Mental
6 Retardation Community Services 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:

12 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 Account and the Mental
17 Retardation Community Services Account.

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

1 Section 2. Definitions.

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

5 * * *

6 "Mental health account." The Mental Health Community
7 Services Account established in section 5.1.

8 "Mental retardation account." The Mental Retardation
9 Community Services Account established in section 5.1.

10 * * *

11 Section 3. The act is amended by adding a section to read:

12 Section 5.1. Disposition of proceeds.

13 (a) Proceeds.--

14 (1) If a State-owned mental health or mental retardation
15 facility is downsized, consolidated or closed, all State
16 property associated with the downsizing, consolidation or
17 closure that is no longer being used for facility purposes
18 and that is not transferred to another governmental entity
19 shall be sold or leased at fair market value.

20 (2) The costs and fees incurred by the Department of
21 General Services, including, but not limited to, costs of
22 auctions or sales at auction, title searches, notice, surveys
23 and appraisals, shall be deducted from the purchase price and
24 that amount shall be an executively authorized augmentation
25 to the appropriation from which the costs and fees were paid
26 by the Department of General Services.

27 (3) If the facility is a mental health facility, the net
28 proceeds of the sale or lease, less any costs and fees
29 required in order to effect the sale or lease of the
30 facility, shall be deposited into the Mental Health Community

1 Services Account, which is hereby established as a restricted
2 account in the State Treasury. If the facility is a mental
3 retardation facility, the net proceeds of the sale or lease,
4 less any costs or fees required in order to effect the sale
5 or lease of the facility, shall be deposited into the Mental
6 Retardation Community Services Account which is hereby
7 established as a restricted account in the State Treasury.
8 The money in the mental health account and mental retardation
9 account is hereby appropriated, upon approval of the
10 Governor, to the Department of Public Welfare for the
11 purposes set forth in subsections (d) and (e).

12 (b) Investment.--All earnings received from the investment
13 or deposit of the moneys in the mental health account and mental
14 retardation account shall be paid into the respective account
15 for the purposes authorized by this section.

16 (c) Certain transfer prohibited.--Any unexpended moneys and
17 any interest earned on the money in the mental health account
18 and mental retardation account may not be transferred or revert
19 to the General Fund, but shall remain in the respective account
20 to be used by the department for the purposes specified in this
21 section.

22 (d) Limitations.--

23 (1) Any funds in the mental health account or mental
24 retardation account may not supplant resources for existing
25 community resources.

26 (2) Any funds in the mental health account shall be used
27 to support one-time costs for a full range of housing options
28 that support independent living for individuals with serious
29 mental illness.

30 (3) Any funds in the mental retardation account shall be

1 used for one-time costs associated with the community mental
2 retardation system.

3 (4) Any funds in the mental health account or mental
4 retardation account shall be used in accordance with
5 consumer-centered planning.

6 (e) Remaining funds.--Any remaining funds after meeting the
7 needs identified in subsection (e) shall be expended on one-time
8 costs in accordance with a plan developed by the department in
9 consultation with consumers, family members, providers and
10 mental health advocates.

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