

1 **EDUCATION AND MENTAL HEALTH COORDINATING**

2 **COUNCIL**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Val L. Peterson**

6 Senate Sponsor: Ann Millner

7

8 **LONG TITLE**

9 **General Description:**

10 This bill creates and establishes duties for the Education and Mental Health
11 Coordinating Council.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ creates the Education and Mental Health Coordinating Council (council);
- 16 ▶ provides for the membership of the council;
- 17 ▶ requires the council to make certain findings and recommendations regarding
18 behavioral health support to youth and families within the state;
- 19 ▶ requires certain regular reports to the president of the Senate, the speaker of the
20 House of Representatives, the Education Interim Committee, and the Health and
21 Human Services Interim Committee;
- 22 ▶ establishes a sunset date; and
- 23 ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63I-1-263**, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,
31 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws
32 of Utah 2020, Chapter 360

33 ENACTS:

34 **63C-23-101**, Utah Code Annotated 1953

35 **63C-23-102**, Utah Code Annotated 1953

36 **63C-23-201**, Utah Code Annotated 1953

37 **63C-23-202**, Utah Code Annotated 1953



39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **63C-23-101** is enacted to read:

41 **CHAPTER 23. EDUCATION AND MENTAL HEALTH COORDINATING**
42 **COUNCIL**

43 **63C-23-101. Title.**

44 This chapter is known as "Education and Mental Health Coordinating Council."

45 Section 2. Section **63C-23-102** is enacted to read:

46 **63C-23-102. Definitions.**

47 As used in this section:

48 (1) "Council" means the Education and Mental Health Coordinating Council created in

49 Section **63C-23-201**.

50 (2) "Local education agency" or "LEA" means the same as that term is defined in

51 Section **53E-1-102**.

52 (3) "Local mental health authority" means a local mental health authority described in

53 Section **17-42-301**.

54 (4) "Local substance abuse authority" means a local substance abuse authority

55 described in Section **17-43-201**.

56 Section 3. Section **63C-23-201** is enacted to read:

57 **63C-23-201. Education and Mental Health Coordinating Council -- Membership**
58 **-- Quorum and voting requirements -- Compensation -- Staff support.**

- 59 (1) There is created the Education and Mental Health Coordinating Council to:
60 (a) provide action-oriented guidance to legislative and other state leaders on how to
61 meet the behavioral health needs, including mental health and substance use issues, facing
62 youth and families within the state; and
63 (b) ensure close collaboration and alignment with existing statewide behavioral health
64 efforts and groups, including:
65 (i) the Behavioral Health Crisis Response Commission created in Section [63C-18-202](#);
66 and
67 (ii) the Utah Substance Use and Mental Health Advisory Council created in Section
68 [63M-7-301](#).
69 (2) The council consists of the following members:
70 (a) a member of the House of Representatives whom the speaker of the House of
71 Representatives appoints;
72 (b) a member of the Senate whom the president of the Senate appoints;
73 (c) an individual with expertise in behavioral health whom the governor appoints;
74 (d) the state superintendent of public instruction appointed under Section [53E-3-301](#) or
75 the state superintendent's designee;
76 (e) the chief executive officer of the Huntsman Mental Health Institute at the
77 University of Utah or the chief executive officer's designee;
78 (f) the director of the Division of Substance Abuse and Mental Health or the director's
79 designee;
80 (g) the commissioner of higher education appointed under Section [53B-1-408](#) or the
81 commissioner's designee; and
82 (h) the following individuals whom the president of the Senate and the speaker of the
83 House of Representatives jointly appoint:
84 (i) a community-oriented behavioral health leader from the private sector;
85 (ii) the president or chief executive officer of an association that represents hospitals
86 within the state;
87 (iii) a community health executive from an academic medical system;
88 (iv) a community health executive from an integrated healthcare system;
89 (v) the president or chief executive officer of a nonprofit organization that provides

90 comprehensive mental health care to children and families across the socioeconomic spectrum;
91 and

92 (vi) a mental health research expert.

93 (3) (a) The members described in Subsections (2)(a) and (2)(h)(i) shall serve as
94 co-chairs of the council.

95 (b) A council member whom the speaker of the House of Representatives and the
96 president of the Senate jointly appoint under Subsection (2)(h), and the council member whom
97 the governor appoints under Subsection (2)(c), shall serve a term of two years.

98 (c) The speaker of the House of Representatives, the president of the Senate, and the
99 governor shall:

100 (i) make the initial appointments described in Subsection (2) before July 1, 2021; and

101 (ii) make appointments for subsequent terms for the council positions described in

102 Subsection (2)(b) before July 1 of each odd-numbered year, by:

103 (A) reappointing the council member whose term expires under Subsection (3)(b); or

104 (B) appointing a new council member.

105 (d) The speaker of the House of Representatives and the president of the Senate may
106 change the appointment described in Subsections (2)(a) and (b) at any time.

107 (4) (a) The salary and expenses of a council member who is a legislator shall be paid in
108 accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3, Legislator
109 Compensation.

110 (b) A council member who is not a legislator:

111 (i) may not receive compensation or benefits for the member's service on the council;

112 and

113 (ii) may receive per diem and reimbursement for travel expenses that the council
114 member incurs as a council member at the rates that the Division of Finance establishes under:

115 (A) Sections [63A-3-106](#) and [63A-3-107](#); and

116 (B) rules that the Division of Finance makes under Sections [63A-3-106](#) and
117 [63A-3-107](#).

118 (5) (a) A majority of the council members constitutes a quorum.

119 (b) The action of a majority of a quorum constitutes an action of the council.

120 (6) The Office of Legislative Research and General Counsel shall provide staff support

121 to the council.

122 Section 4. Section **63C-23-202** is enacted to read:

123 **63C-23-202. Council duties -- Reporting requirements.**

124 (1) The council shall:

125 (a) meet at least twice per quarter; and

126 (b) make findings and recommendations to:

127 (i) generate a common framework for preventing and addressing mild, moderate, and
128 serious behavioral health concerns that youth within the state face;

129 (ii) clarify roles among LEAs, local mental health authorities, local substance abuse
130 authorities, and other behavioral health partners regarding the practical and legal obligations of
131 screening, assessment, and the provision of care; and

132 (iii) facilitate joint development of state and local plans among LEAs, local mental
133 health authorities, local substance abuse authorities, and other behavioral health partners that:

134 (A) describe how the entities will collaborate to meet the behavioral health needs of
135 youth within the state; and

136 (B) provide clarity and consistency in the standardization, collection, analysis, and
137 application of behavioral health-related data to drive improvement.

138 (2) At least once per quarter, the council co-chairs shall report to the speaker of the
139 House of Representatives and the president of the Senate regarding the findings and
140 recommendations described in Subsection (1)(b).

141 (3) At or before the November interim meeting, the council shall report the council's
142 findings and recommendations described in Subsection (1)(b) to the Education Interim
143 Committee and the Health and Human Services Interim Committee.

144 Section 5. Section **63I-1-263** is amended to read:

145 **63I-1-263. Repeal dates, Titles 63A to 63N.**

146 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

147 (a) Subsection **63A-1-201**(1) is repealed;

148 (b) Subsection **63A-1-202**(2)(c), the language "using criteria established by the board"
149 is repealed;

150 (c) Section **63A-1-203** is repealed;

151 (d) Subsections **63A-1-204**(1) and (2), the language "After consultation with the board,

152 and" is repealed; and

153 (e) Subsection [63A-1-204\(1\)\(b\)](#), the language "using the standards provided in
154 Subsection [63A-1-203\(3\)\(c\)](#)" is repealed.

155 (2) Subsection [63A-5b-405\(5\)](#), relating to prioritizing and allocating capital
156 improvement funding, is repealed July 1, 2024.

157 (3) Section [63A-5b-1003](#), State Facility Energy Efficiency Fund, is repealed July 1,
158 2023.

159 (4) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
160 Committee, are repealed July 1, 2023.

161 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
162 1, 2028.

163 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
164 2025.

165 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
166 2024.

167 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
168 repealed July 1, 2021.

169 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
170 July 1, 2023.

171 (10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.

172 (11) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is
173 repealed July 1, 2026.

174 [~~(11)~~] (12) Title 63F, Chapter 2, Data Security Management Council, is repealed July
175 1, 2025.

176 [~~(12)~~] (13) Section [63G-6a-805](#), which creates the Purchasing from Persons with
177 Disabilities Advisory Board, is repealed July 1, 2026.

178 [~~(13)~~] (14) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed
179 July 1, 2025.

180 [~~(14)~~] (15) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed
181 July 1, 2024.

182 [~~(15)~~] (16) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,

183 2026.

184 ~~[(16)]~~ (17) Subsection 63J-1-602.1(14), Nurse Home Visiting Restricted Account is
185 repealed July 1, 2026.

186 ~~[(17)]~~ (18) (a) Subsection 63J-1-602.1(58), relating to the Utah Statewide Radio
187 System Restricted Account, is repealed July 1, 2022.

188 (b) When repealing Subsection 63J-1-602.1(58), the Office of Legislative Research and
189 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
190 necessary changes to subsection numbering and cross references.

191 ~~[(18)]~~ (19) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah
192 Marriage Commission, is repealed July 1, 2023.

193 ~~[(19)]~~ (20) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is
194 repealed July 1, 2022.

195 ~~[(20)]~~ (21) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety
196 Commission, is repealed January 1, 2025.

197 ~~[(21)]~~ (22) Title 63J, Chapter 4, Part 5, Resource Development Coordinating
198 Committee, is repealed July 1, 2027.

199 ~~[(22)]~~ (23) Subsection 63J-4-608(3), which creates the Federal Land Application
200 Advisory Committee, is repealed on July 1, 2021.

201 ~~[(23)]~~ (24) In relation to the Utah Substance Use and Mental Health Advisory Council,
202 on January 1, 2023:

203 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
204 repealed;

205 (b) Section 63M-7-305, the language that states "council" is replaced with
206 "commission";

207 (c) Subsection 63M-7-305(1) is repealed and replaced with:

208 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

209 (d) Subsection 63M-7-305(2) is repealed and replaced with:

210 "(2) The commission shall:

211 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
212 Drug-Related Offenses Reform Act; and

213 (b) coordinate the implementation of Section 77-18-1.1 and related provisions in

214 Subsections [77-18-1\(5\)\(b\)\(iii\)](#) and (iv).".
215 ~~[(24)]~~ [\(25\)](#) The Crime Victim Reparations and Assistance Board, created in Section
216 [63M-7-504](#), is repealed July 1, 2027.
217 ~~[(25)]~~ [\(26\)](#) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed
218 July 1, 2022.
219 ~~[(26)]~~ [\(27\)](#) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
220 2021.
221 ~~[(27)]~~ [\(28\)](#) Subsection [63N-1-301\(4\)\(c\)](#), related to the Talent Ready Utah Board, is
222 repealed January 1, 2023.
223 ~~[(28)]~~ [\(29\)](#) Title 63N, Chapter 1, Part 5, Governor's Economic Development
224 Coordinating Council, is repealed July 1, 2024.
225 ~~[(29)]~~ [\(30\)](#) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
226 ~~[(30)]~~ [\(31\)](#) Section [63N-2-512](#) is repealed July 1, 2021.
227 ~~[(31)]~~ [\(32\)](#) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
228 January 1, 2021.
229 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for
230 calendar years beginning on or after January 1, 2021.
231 (c) Notwithstanding Subsection (31)(b), an entity may carry forward a tax credit in
232 accordance with Section [59-9-107](#) if:
233 (i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December
234 31, 2020; and
235 (ii) the qualified equity investment that is the basis of the tax credit is certified under
236 Section [63N-2-603](#) on or before December 31, 2023.
237 ~~[(32)]~~ [\(33\)](#) Subsections [63N-3-109\(2\)\(e\)](#) and [63N-3-109\(2\)\(f\)\(i\)](#) are repealed July 1,
238 2023.
239 ~~[(33)]~~ [\(34\)](#) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is
240 repealed July 1, 2023.
241 ~~[(34)]~~ [\(35\)](#) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed
242 July 1, 2025.
243 ~~[(35)]~~ [\(36\)](#) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant
244 Program, is repealed January 1, 2023.

245 [~~36~~] (37) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed
246 January 1, 2023.