

Representative Jon Hawkins proposes the following substitute bill:

STATE HOSPITAL AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon Hawkins

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill creates the State Mental Health System Commission.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the advisory State Mental Health System Commission (commission);
- ▶ directs the commission to evaluate and make recommendations about the state's mental health system and model;
- ▶ requires the Department of Health and Human Services and the Division of Integrated Healthcare to work with the commission;
- ▶ requires the commission to submit the commission's recommendations in a written report to certain legislative committees; and
- ▶ provides a repeal date for the commission.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 [63I-2-263](#), as last amended by Laws of Utah 2022, Chapters 63, 209, 240, 242, 264,
28 354, and 435

29 ENACTS:

30 [63C-29-101](#), Utah Code Annotated 1953

31 [63C-29-201](#), Utah Code Annotated 1953

32 [63C-29-202](#), Utah Code Annotated 1953

33 [63C-29-203](#), Utah Code Annotated 1953

34 [63C-29-204](#), Utah Code Annotated 1953



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

37 Section 1. Section [63C-29-101](#) is enacted to read:

38 **CHAPTER 29. STATE MENTAL HEALTH SYSTEM COMMISSION**

39 **Part 1. General Provisions**

40 **[63C-29-101](#). Definitions.**

41 As used in this chapter:

42 (1) "Commission" means the State Mental Health System Commission created in
43 Section [63C-29-201](#).

44 (2) "Department" means the Department of Health and Human Services created in
45 Section [26B-1-201](#).

46 (3) "Division" means the Division of Integrated Healthcare created in Section
47 [26B-1-202](#).

48 (4) "State hospital" means the Utah State Hospital established in Section [62A-15-601](#).

49 Section 2. Section [63C-29-201](#) is enacted to read:

50 **[63C-29-201](#). State Mental Health System Commission -- Voting requirements --**
51 **Compensation.**

52 (1) There is created an advisory commission known as the State Mental Health System
53 Commission.

54 (2) The commission consists of the following members:

55 (a) two members of the Senate, appointed by the president of the Senate, who are not
56 from the same political party;

57 (b) three members of the House of Representatives, appointed by the speaker of the
 58 House of Representatives, no more than two of whom may be from the same political party;

59 (c) the executive director of the department appointed in accordance with Section
 60 26B-1-203, or the executive director's designee;

61 (d) the director of the Division of Facilities Construction and Management appointed
 62 in accordance with Section 63A-5b-302, or the director's designee;

63 (e) the executive director of the Commission on Criminal and Juvenile Justice, or the
 64 executive director's designee;

65 (f) the chair of the Utah Substance Use and Mental Health Advisory Council, or the
 66 chair's designee;

67 (g) the superintendent of the state hospital, or the superintendent's designee; and

68 (h) as appointed by the cochairs of the commission:

69 (i) one individual representing a ~~H→ [local behavioral health authority]~~ **Utah Behavioral**
 69a **Health Committee** ←H ; and

70 (ii) one citizen representative from the local community H→ , with lived experience ←H .

71 (3) The president of the Senate shall appoint one of the commission members from the
 72 Senate as cochair of the commission, and the speaker of the House of Representatives shall
 73 appoint one of the commission members from the House of Representatives as cochair of the
 74 commission.

75 (4) The president of the Senate may remove a member appointed under Subsection
 76 (2)(a), and the speaker of the House of Representatives may remove a member appointed under
 77 Subsection (2)(b).

78 (5) A vacancy of a member appointed under Subsection (2)(a) or (b) shall be filled in
 79 the same manner as an appointment of the member whose departure from the commission
 80 creates the vacancy.

81 (6) A commission member shall serve until a successor is duly appointed or qualified.

82 (7) (a) A majority of the voting commission members constitutes a quorum.

83 (b) The action of a majority of a quorum constitutes action of the commission.

84 (8) The commission may adopt bylaws to govern the commission's operations and
 85 proceedings.

86 (9) (a) A commission member who is a legislator shall be paid salary and expenses in
 87 accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator

88 Compensation.

89 (b) A commission member who is not a legislator may not receive compensation or
90 benefits for the commission member's service.

91 (c) A commission member who is not a legislator may receive per diem and travel
92 expenses in accordance with:

93 (i) Section [63A-3-106](#);

94 (ii) Section [63A-3-107](#); and

95 (iii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
96 [63A-3-107](#).

97 (10) The Office of Legislative Research and General Counsel shall provide staff
98 support to the commission.

99 (11) The commission shall comply with the provisions of Title 52, Chapter 4, Open
100 and Public Meetings Act.

101 Section 3. Section **63C-29-202** is enacted to read:

102 **63C-29-202. Powers and duties.**

103 (1) Using existing research and studies, and conducting additional research and study
104 as necessary, the commission shall carefully and deliberately consider, study, and evaluate the
105 state's mental health system and model, including:

106 (a) whether the state hospital should be responsible for providing long-term mental
107 health services, or if there is another facility, setting, or model that would better serve
108 individuals in need of such services;

109 (b) whether the way in which mental health services are provided to individuals in the
110 custody of the Department of Corrections could be improved;

111 (c) how to maximize the value of the current bed capacity at the state hospital;

112 (d) ways to improve coordination between mental health providers and programs
113 throughout the state; and

114 (e) whether the current state hospital location adequately serves the state population
115 that receives state hospital services.

116 (2) The commission may:

117 (a) meet as many times as the commission considers necessary or advisable in order to
118 fulfill the commission's responsibilities under this chapter; and

119 (b) hire or direct the hiring of one or more consultants with experience or expertise in a
120 subject under consideration by the commission, to assist the commission in fulfilling the
121 commission's duties under this part.

122 Section 4. Section **63C-29-203** is enacted to read:

123 **63C-29-203. Agency cooperation.**

124 The department and the division shall work cooperatively with the commission to help
125 ensure that the commission receives, as requested, any information necessary to inform the
126 commission's recommendation.

127 Section 5. Section **63C-29-204** is enacted to read:

128 **63C-29-204. Report and recommendation.**

129 (1) No later than December 31, 2023, the commission shall submit a written report to
130 the following:

131 (a) the Executive Appropriations Committee;

132 (b) the Social Services Appropriations Subcommittee; and

133 (c) the Judiciary Interim Committee.

134 (2) The report shall include:

135 (a) an account of the commission's work;

136 (b) the commission's recommendations regarding the state's mental health system and
137 model; and

138 (c) recommended legislation that the commission believes would improve the state's
139 mental health system or model, if any.

140 Section 6. Section **63I-2-263** is amended to read:

141 **63I-2-263. Repeal dates: Title 63A to Title 63N.**

142 (1) Title 63A, Chapter 2, Part 5, Educational Interpretation and Translation Services
143 Procurement Advisory Council is repealed July 1, 2025.

144 (2) Section **63A-17-303** is repealed July 1, 2023.

145 (3) Subsection **63A-17-304(1)(c)** is repealed July 1, 2022.

146 (4) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology
147 Commission is repealed July 1, 2023.

148 (5) Title 63C, Chapter 29, State Mental Health System Commission is repealed
149 December 31, 2024.

150 ~~[(5)]~~ (6) Section 63G-1-502 is repealed July 1, 2022.

151 ~~[(6)]~~ (7) The following sections regarding the World War II Memorial Commission are
152 repealed July 1, 2022:

153 (a) Section 63G-1-801;

154 (b) Section 63G-1-802;

155 (c) Section 63G-1-803; and

156 (d) Section 63G-1-804.

157 ~~[(7) Title 63H, Chapter 5, Utah State Railroad Museum Authority, is repealed on July~~
158 ~~1, 2022.]~~

159 (8) Section 63H-7a-303 is repealed July 1, 2024.

160 (9) Subsection 63H-7a-403(2)(b), regarding the charge to maintain the public safety
161 communications network, is repealed July 1, 2033.

162 (10) Subsection 63J-1-602.2(44), which lists appropriations to the State Tax
163 Commission for property tax deferral reimbursements, is repealed July 1, 2027.

164 (11) Sections 63M-7-213 and 63M-7-213.5 are repealed January 1, 2023.

165 (12) Section 63M-7-217 is repealed July 1, 2022.

166 (13) Subsection 63N-2-213(12)(a), relating to claiming a tax credit in the same taxable
167 year as the targeted business income tax credit, is repealed December 31, 2024.

168 (14) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an
169 Enterprise Zone, is repealed December 31, 2024.