

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 Hospital Relocation Commission.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the advisory State Hospital Relocation Commission (commission);
- ▶ directs the commission to evaluate and make recommendations:
 - as to whether the state hospital should be relocated; and
 - for one or more new locations for the state hospital, if the commission determines that the state hospital should be relocated;
- ▶ requires the Department of Health and Human Services and the Division of Integrated Healthcare to work with the commission; and
- ▶ requires the commission to submit the commission's recommendations in a written report to certain legislative committees by November 1, 2023.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



26 **Utah Code Sections Affected:**

27 ENACTS:

28 [63C-29-101](#), Utah Code Annotated 1953

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

30 [63C-29-202](#), Utah Code Annotated 1953

31 [63C-29-203](#), Utah Code Annotated 1953

32 [63C-29-204](#), Utah Code Annotated 1953



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

35 Section 1. Section **63C-29-101** is enacted to read:

36 **CHAPTER 29. STATE HOSPITAL RELOCATION COMMISSION**

37 **Part 1. General Provisions**

38 **63C-29-101. Definitions.**

39 As used in this chapter:

40 (1) "Commission" means the State Hospital Relocation Commission created in Section
41 [63C-29-201](#).

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

44 (3) "Division" means the Division of Integrated Healthcare created in Section
45 [26B-1-202](#).

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

47 Section 2. Section **63C-29-201** is enacted to read:

48 **63C-29-201. State Hospital Relocation Commission -- Voting requirements --**

49 **Compensation.**

50 (1) There is created an advisory commission known as the State Hospital Relocation
51 Commission.

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

53 (a) three members of the Senate, appointed by the president of the Senate, no more
54 than two of whom may be from the same political party;

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

57 (c) the executive director of the department appointed in accordance with Section
58 26B-1-203, or the executive director's designee; and

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

61 (3) The commission members from the Senate and House of Representatives are voting
62 members of the commission, and the members appointed under Subsections (2)(c) and (d) are
63 nonvoting members of the commission.

64 (4) The president of the Senate shall appoint one of the commission members from the
65 Senate as cochair of the commission, and the speaker of the House of Representatives shall
66 appoint one of the commission members from the House of Representatives as cochair of the
67 commission.

68 (5) The president of the Senate may remove a member appointed under Subsection
69 (2)(a), and the speaker of the House of Representatives may remove a member appointed under
70 Subsection (2)(b).

71 (6) A vacancy of a member appointed under Subsection (2)(a) or (b) shall be filled in
72 the same manner as an appointment of the member whose departure from the commission
73 creates the vacancy.

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

75 (8) (a) A majority of the voting commission members constitutes a quorum.

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

77 (9) The commission may adopt bylaws to govern the commission's operations and
78 proceedings.

79 (10) (a) A commission member who is a legislator shall be paid salary and expenses in
80 accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator
81 Compensation.

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

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

86 (i) Section 63A-3-106;

87 (ii) Section 63A-3-107; and

88 (iii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
89 [63A-3-107](#).

90 (11) The Office of Legislative Research and General Counsel shall provide staff
91 support to the commission.

92 (12) The commission shall comply with the provisions of Title 52, Chapter 4, Open
93 and Public Meetings Act.

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

95 **63C-29-202. Powers and duties.**

96 (1) (a) The commission shall carefully and deliberately consider, study, and evaluate
97 whether the state hospital should be relocated.

98 (b) In consideration of whether the state hospital should be relocated, the commission
99 shall consider:

100 (i) whether the current state hospital location adequately serves the state population
101 that receives state hospital services;

102 (ii) whether relocating the state hospital is necessary to assist the division in fulfilling
103 the division's directives as part of the state's comprehensive mental health program as described
104 in Section [62A-15-103](#);

105 (iii) whether the current state hospital location is effective for coordination with local
106 mental health authority programs; and

107 (iv) whether the current state hospital location is adequate to meet the security
108 responsibilities of the division.

109 (c) The commission may not:

110 (i) consider or evaluate future uses of the property on which the state hospital is
111 currently located;

112 (ii) make recommendations concerning the future use or development of the land on
113 which the state hospital is currently located; or

114 (iii) make any commitments or enter into any contracts for the acquisition of land on
115 which the state hospital is currently located.

116 (2) (a) If the commission determines that the state hospital should be relocated, the
117 commission shall carefully and deliberately study and recommend one or more new locations
118 for the state hospital.

119 (b) In recommending a new location for the state hospital, the commission shall
120 consider:
121 (i) whether a proposed new location:
122 (A) can adequately serve the state population that receives state hospital services;
123 (B) can assist the division in fulfilling the division's directives as part of the state's
124 comprehensive mental health program;
125 (C) is suitable for effective coordination with local mental health authority programs;
126 and
127 (D) will adequately meet the security responsibilities of the division; and
128 (ii) any costs to the state to acquire property at a proposed new location.
129 (3) The commission may:
130 (a) meet as many times as the commission considers necessary or advisable in order to
131 fulfill the commission's responsibilities under this chapter; and
132 (b) hire or direct the hiring of one or more consultants with experience or expertise in a
133 subject under consideration by the commission, to assist the commission in fulfilling the
134 commission's duties under this part.

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

136 **63C-29-203. Agency cooperation.**

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

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

141 **63C-29-204. Report and recommendation.**

142 (1) No later than November 1, 2023, the commission shall submit a written report to
143 the following:

- 144 (a) the Executive Appropriations Committee;
- 145 (b) the Social Services Appropriations Subcommittee; and
- 146 (c) the Health and Human Services Interim Committee.

147 (2) The report shall include:

- 148 (a) an account of the commission's work;
- 149 (b) the commission's recommendation as to whether the state hospital should be

150 relocated; and

151 (c) if the commission determines that the state hospital should be moved, a

152 recommended new location for the state hospital.