

**Representative Jon Hawkins** proposes the following substitute bill:

**MENTAL HEALTH SYSTEM AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jon Hawkins**

Senate Sponsor: Curtis S. Bramble

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**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; and

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

68 (3) The president of the Senate shall appoint one of the commission members from the  
69 Senate as cochair of the commission, and the speaker of the House of Representatives shall  
70 appoint one of the commission members from the House of Representatives as cochair of the  
71 commission.

72 (4) The president of the Senate may remove a member appointed under Subsection  
73 (2)(a), and the speaker of the House of Representatives may remove a member appointed under  
74 Subsection (2)(b).

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

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

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

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

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

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

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

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

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

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

92 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and  
93 63A-3-107.

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

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

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

99 **63C-29-202. Powers and duties.**

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

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

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

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

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

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

113 (2) The commission may:

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

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

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

120 **63C-29-203. Agency cooperation.**

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

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

125 **63C-29-204. Report and recommendation.**

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

128 (a) the Executive Appropriations Committee;

129 (b) the Social Services Appropriations Subcommittee; and

130 (c) the Judiciary Interim Committee.

131 (2) The report shall include:

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

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

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

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

138 **63I-2-263. Repeal dates: Title 63A to Title 63N.**

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

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

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

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

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

147 [~~5~~] (6) Section **63G-1-502** is repealed July 1, 2022.

148 [~~6~~] (7) The following sections regarding the World War II Memorial Commission are  
149 repealed July 1, 2022:

- 150 (a) Section [63G-1-801](#);
- 151 (b) Section [63G-1-802](#);
- 152 (c) Section [63G-1-803](#); and
- 153 (d) Section [63G-1-804](#).
- 154 [~~(7) Title 63H, Chapter 5, Utah State Railroad Museum Authority, is repealed on July~~
- 155 ~~1, 2022.~~]
- 156 (8) Section [63H-7a-303](#) is repealed July 1, 2024.
- 157 (9) Subsection [63H-7a-403\(2\)\(b\)](#), regarding the charge to maintain the public safety
- 158 communications network, is repealed July 1, 2033.
- 159 (10) Subsection [63J-1-602.2\(44\)](#), which lists appropriations to the State Tax
- 160 Commission for property tax deferral reimbursements, is repealed July 1, 2027.
- 161 (11) Sections [63M-7-213](#) and [63M-7-213.5](#) are repealed January 1, 2023.
- 162 (12) Section [63M-7-217](#) is repealed July 1, 2022.
- 163 (13) Subsection [63N-2-213\(12\)\(a\)](#), relating to claiming a tax credit in the same taxable
- 164 year as the targeted business income tax credit, is repealed December 31, 2024.
- 165 (14) Title 63N, Chapter 2, Part 3, Targeted Business Income Tax Credit in an
- 166 Enterprise Zone, is repealed December 31, 2024.