

# HB0177S02 compared with HB0177

~~{deleted text}~~ shows text that was in HB0177 but was deleted in HB0177S02.

inserted text shows text that was not in HB0177 but was inserted into HB0177S02.

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~~{STATE HOSPITAL}~~ Representative Jon Hawkins proposes the following substitute bill:

## MENTAL HEALTH SYSTEM AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jon Hawkins**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill creates the State ~~{Hospital Relocation}~~ Mental Health System Commission.

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the advisory State ~~{Hospital Relocation}~~ Mental Health System 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; about the state's mental health system and model;~~

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- ▶ 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}~~; and
- ▶ provides a repeal date for the commission.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

63I-2-263, as last amended by Laws of Utah 2022, Chapters 63, 209, 240, 242, 264, 354, and 435

#### ENACTS:

63C-29-101, Utah Code Annotated 1953

63C-29-201, Utah Code Annotated 1953

63C-29-202, Utah Code Annotated 1953

63C-29-203, Utah Code Annotated 1953

63C-29-204, Utah Code Annotated 1953

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

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

**CHAPTER 29. STATE ~~{HOSPITAL RELOCATION}~~ MENTAL HEALTH SYSTEM  
COMMISSION**

**Part 1. General Provisions**

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

As used in this chapter:

(1) "Commission" means the State ~~{Hospital Relocation}~~ Mental Health System

Commission created in Section 63C-29-201.

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

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(3) "Division" means the Division of Integrated Healthcare created in Section 26B-1-202.

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

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

**63C-29-201. State ~~{Hospital Relocation}~~Mental Health System Commission --**

### **Voting requirements -- Compensation.**

(1) There is created an advisory commission known as the State ~~{Hospital Relocation}~~Mental Health System Commission.

(2) The commission consists of the following members:

(a) ~~{three}~~two members of the Senate, appointed by the president of the Senate, ~~{no more than two of whom may be}~~who are not from the same political party;

(b) ~~{four}~~three members of the House of Representatives, appointed by the speaker of the House of Representatives, no more than ~~{three}~~two of whom may be from the same political party; ~~{and}~~

(c) the executive director of the department appointed in accordance with Section 26B-1-203 ~~{~~

~~\_\_\_\_\_ (3) The commission members from the Senate and House of Representatives are voting members of the commission, and the member appointed under Subsection (2)(c) is a nonvoting member of the commission.~~

~~\_\_\_\_\_ (4) , or the executive director's designee;~~

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

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

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

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

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

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~~(5)4~~ (4) The president of the Senate may remove a member appointed under Subsection (2)(a), and the speaker of the House of Representatives may remove a member appointed under Subsection (2)(b).

~~(6)5~~ (5) A vacancy of a member appointed under Subsection (2)(a) or (b) shall be filled in the same manner as an appointment of the member whose departure from the commission creates the vacancy.

~~(7)6~~ (6) A commission member shall serve until a successor is duly appointed or qualified.

~~(8)7~~ (7) (a) A majority of the voting commission members constitutes a quorum.

~~(9)8~~ (8) (b) The action of a majority of a quorum constitutes action of the commission.

~~(9)8~~ (8) The commission may adopt bylaws to govern the commission's operations and proceedings.

~~(10)9~~ (9) (a) A commission member who is a legislator shall be paid salary and expenses in accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator Compensation.

~~(10)9~~ (9) (b) A commission member who is not a legislator may not receive compensation or benefits for the commission member's service.

~~(10)9~~ (9) (c) A commission member who is not a legislator may receive per diem and travel expenses in accordance with:

~~(10)9~~ (9) (i) Section 63A-3-106;

~~(10)9~~ (9) (ii) Section 63A-3-107; and

~~(10)9~~ (9) (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

~~(11)10~~ (10) The Office of Legislative Research and General Counsel shall provide staff support to the commission.

~~(12)11~~ (11) The commission shall comply with the provisions of Title 52, Chapter 4, Open and Public Meetings Act.

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

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

(1) ~~(a) The~~ Using existing research and studies, and conducting additional research and study as necessary, the commission shall carefully and deliberately consider, study, and

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evaluate ~~{whether}~~ the ~~{state hospital should be relocated.}~~ state's mental health system and model, including:

~~(b)a) {In consideration of}~~ whether the state hospital should be ~~{relocated, the commission shall consider:~~

~~—— (i) responsible for providing long-term mental health services, or if there is another facility, setting, or model that would better serve individuals in need of such services;~~

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

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

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

~~(e) whether the current state hospital location adequately serves the state population that receives state hospital services;~~

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

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

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

~~—— (c) The commission may not:~~

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

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

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

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

~~—— (b) In recommending a new location for the state hospital, the commission shall~~

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consider:

- ~~— (i) whether a proposed new location:~~
- ~~— (A) can adequately serve the state population that receives state hospital services;~~
- ~~— (B) can assist the division in fulfilling the division's directives as part of the state's comprehensive mental health program;~~
- ~~— (C) is suitable for effective coordination with local mental health authority programs;~~
- ~~and~~
- ~~— (D) will adequately meet the security responsibilities of the division; and~~
- ~~— (ii) any costs to the state to acquire property at a proposed new location.~~
- ~~(3) The commission may:~~
  - ~~(a) meet as many times as the commission considers necessary or advisable in order to fulfill the commission's responsibilities under this chapter; and~~
  - ~~(b) hire or direct the hiring of one or more consultants with experience or expertise in a subject under consideration by the commission, to assist the commission in fulfilling the commission's duties under this part.~~

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

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

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

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

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

(1) No later than ~~{November 1}~~ **December 31**, 2023, the commission shall submit a written report to the following:

- (a) the Executive Appropriations Committee;
- (b) the Social Services Appropriations Subcommittee; and
- (c) the ~~{Health and Human Services}~~ **Judiciary** Interim Committee.

(2) The report shall include:

- (a) an account of the commission's work;
- (b) the commission's ~~{recommendation as to whether the state hospital should be relocated; and~~

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~~(c) if recommendations regarding the state's mental health system and model; and  
(c) recommended legislation that the commission determines that the state hospital  
should be moved, a recommended new location for the state hospital.~~

~~believes would improve the state's mental health system or model, if any.~~

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

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

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

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

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

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

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

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

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

(a) Section 63G-1-801;

(b) Section 63G-1-802;

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

(d) Section 63G-1-804.

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

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

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

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

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

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

(13) Subsection 63N-2-213(12)(a), relating to claiming a tax credit in the same taxable

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year as the targeted business income tax credit, is repealed December 31, 2024.

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