

STATE HOSPITAL AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon Hawkins

Senate Sponsor: _____

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

Utah Code Sections Affected:

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 and

58 (c) the executive director of the department appointed in accordance with Section

59 [26B-1-203](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

89 (11) The Office of Legislative Research and General Counsel shall provide staff

90 support to the commission.

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

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

94 **63C-29-202. Powers and duties.**

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

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

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

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

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

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

108 (c) The commission may not:

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

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

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

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

118 (b) In recommending a new location for the state hospital, the commission shall
119 consider:

120 (i) whether a proposed new location:

121 (A) can adequately serve the state population that receives state hospital services;

122 (B) can assist the division in fulfilling the division's directives as part of the state's

123 comprehensive mental health program;

124 (C) is suitable for effective coordination with local mental health authority programs;

125 and

126 (D) will adequately meet the security responsibilities of the division; and

127 (ii) any costs to the state to acquire property at a proposed new location.

128 (3) The commission may:

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

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

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

135 **63C-29-203. Agency cooperation.**

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

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

140 **63C-29-204. Report and recommendation.**

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

143 (a) the Executive Appropriations Committee;

144 (b) the Social Services Appropriations Subcommittee; and

145 (c) the Health and Human Services Interim Committee.

146 (2) The report shall include:

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

148 (b) the commission's recommendation as to whether the state hospital should be
149 relocated; and

150 (c) if the commission determines that the state hospital should be moved, a
151 recommended new location for the state hospital.