

**EDUCATION AND MENTAL HEALTH COORDINATING
COUNCIL**

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates and establishes duties for the Education and Mental Health Coordinating Council.

Highlighted Provisions:

This bill:

- defines terms;
- creates the Education and Mental Health Coordinating Council (council);
- provides for the membership of the council;
- requires the council to make certain findings and recommendations regarding behavioral health support to youth and families within the state;
- requires certain regular reports to the president of the Senate, the speaker of the House of Representatives, the Education Interim Committee, and the Health and Human Services Interim Committee;
- establishes a sunset date; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



Utah Code Sections Affected:

AMENDS:

63I-1-263, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230, 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 360

ENACTS:

63C-23-101, Utah Code Annotated 1953

63C-23-102, Utah Code Annotated 1953

63C-23-201, Utah Code Annotated 1953

63C-23-202, Utah Code Annotated 1953

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

Section 1. Section **63C-23-101** is enacted to read:

**CHAPTER 23. EDUCATION AND MENTAL HEALTH COORDINATING
COUNCIL**

63C-23-101. Title.

This chapter is known as "Education and Mental Health Coordinating Council."

Section 2. Section **63C-23-102** is enacted to read:

63C-23-102. Definitions.

As used in this section:

(1) "Council" means the Education and Mental Health Coordinating Council created in

Section **63C-23-201**.

(2) "Local education agency" or "LEA" means the same as that term is defined in

Section **53E-1-102**.

(3) "Local mental health authority" means a local mental health authority described in

Section **17-42-301**.

(4) "Local substance abuse authority" means a local substance abuse authority

described in Section **17-43-201**.

Section 3. Section **63C-23-201** is enacted to read:

63C-23-201. Education and Mental Health Coordinating Council -- Membership

-- Quorum and voting requirements -- Compensation -- Staff support.

(1) There is created the Education and Mental Health Coordinating Council to:

(a) provide action-oriented guidance to legislative and other state leaders on how to meet the behavioral health needs, including mental health and substance use issues, facing youth and families within the state; and

(b) ensure close collaboration and alignment with existing statewide behavioral health efforts and groups, including:

(i) the Behavioral Health Crisis Response Commission created in Section [63C-18-202](#); and

(ii) the Utah Substance Use and Mental Health Advisory Council created in Section [63M-7-301](#).

(2) The council consists of the following members:

(a) a member of the House of Representatives whom the speaker of the House of Representatives appoints;

(b) a member of the Senate whom the president of the Senate appoints;

(c) an individual with expertise in behavioral health whom the governor appoints;

(d) the state superintendent of public instruction appointed under Section [53E-3-301](#) or the state superintendent's designee;

(e) the chief executive officer of the Huntsman Mental Health Institute at the University of Utah or the chief executive officer's designee;

(f) the director of the Division of Substance Abuse and Mental Health or the director's designee;

(g) the commissioner of higher education appointed under Section [53B-1-408](#) or the commissioner's designee; and

(h) the following individuals whom the president of the Senate and the speaker of the House of Representatives jointly appoint:

(i) a community-oriented behavioral health leader from the private sector;

(ii) the president or chief executive officer of an association that represents hospitals within the state;

(iii) a community health executive from an academic medical system;

(iv) a community health executive from an integrated healthcare system;

(v) the president or chief executive officer of a nonprofit organization that provides

comprehensive mental health care to children and families across the socioeconomic spectrum;
and

(vi) a mental health research expert.

(3) (a) The members described in Subsections (2)(a) and (2)(h)(i) shall serve as
co-chairs of the council.

(b) A council member whom the speaker of the House of Representatives and the
president of the Senate jointly appoint under Subsection (2)(h), and the council member whom
the governor appoints under Subsection (2)(c), shall serve a term of two years.

(c) The speaker of the House of Representatives, the president of the Senate, and the
governor shall:

(i) make the initial appointments described in Subsection (2) before July 1, 2021; and

(ii) make appointments for subsequent terms for the council positions described in
Subsection (2)(b) before July 1 of each odd-numbered year, by:

(A) reappointing the council member whose term expires under Subsection (3)(b); or

(B) appointing a new council member.

(d) The speaker of the House of Representatives and the president of the Senate may
change the appointment described in Subsections (2)(a) and (b) at any time.

(4) (a) The salary and expenses of a council member who is a legislator shall be paid in
accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Legislator
Compensation.

(b) A council member who is not a legislator:

(i) may not receive compensation or benefits for the member's service on the council;

and

(ii) may receive per diem and reimbursement for travel expenses that the council
member incurs as a council member at the rates that the Division of Finance establishes under:

(A) Sections 63A-3-106 and 63A-3-107; and

(B) rules that the Division of Finance makes under Sections 63A-3-106 and
63A-3-107.

(5) (a) A majority of the council members constitutes a quorum.

(b) The action of a majority of a quorum constitutes an action of the council.

(6) The Office of Legislative Research and General Counsel shall provide staff support

121 to the council.

122 Section 4. Section **63C-23-202** is enacted to read:

123 **63C-23-202. Council duties -- Reporting requirements.**

124 (1) The council shall:

125 (a) meet at least twice per quarter; and

126 (b) make findings and recommendations to:

127 (i) generate a common framework for preventing and addressing mild, moderate, and
128 serious behavioral health concerns that youth within the state face;

129 (ii) clarify roles among LEAs, local mental health authorities, local substance abuse
130 authorities, and other behavioral health partners regarding the practical and legal obligations of
131 screening, assessment, and the provision of care; and

132 (iii) facilitate joint development of state and local plans among LEAs, local mental
133 health authorities, local substance abuse authorities, and other behavioral health partners that:

134 (A) describe how the entities will collaborate to meet the behavioral health needs of
135 youth within the state; and

136 (B) provide clarity and consistency in the standardization, collection, analysis, and
137 application of behavioral health-related data to drive improvement.

138 (2) At least once per quarter, the council co-chairs shall report to the speaker of the
139 House of Representatives and the president of the Senate regarding the findings and
140 recommendations described in Subsection (1)(b).

141 (3) At or before the November interim meeting, the council shall report the council's
142 findings and recommendations described in Subsection (1)(b) to the Education Interim
143 Committee and the Health and Human Services Interim Committee.

144 Section 5. Section **63I-1-263** is amended to read:

145 **63I-1-263. Repeal dates, Titles 63A to 63N.**

146 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

147 (a) Subsection 63A-1-201(1) is repealed;

148 (b) Subsection 63A-1-202(2)(c), the language "using criteria established by the board"
149 is repealed;

150 (c) Section 63A-1-203 is repealed;

151 (d) Subsections 63A-1-204(1) and (2), the language "After consultation with the board,

and" is repealed; and

(e) Subsection 63A-1-204(1)(b), the language "using the standards provided in Subsection 63A-1-203(3)(c)" is repealed.

(2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital improvement funding, is repealed July 1, 2024.

(3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1, 2023.

(4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review Committee, are repealed July 1, 2023.

(5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July 1, 2028.

(6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1, 2025.

(7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1, 2024.

(8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is repealed July 1, 2021.

(9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed July 1, 2023.

(10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.

(11) Title 63C, Chapter 23, Education and Mental Health Coordinating Council, is repealed July 1, 2026.

~~[(11)]~~ (12) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1, 2025.

~~[(12)]~~ (13) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities Advisory Board, is repealed July 1, 2026.

~~[(13)]~~ (14) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1, 2025.

~~[(14)]~~ (15) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1, 2024.

~~[(15)]~~ (16) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1,

2026.

~~[(16)]~~ (17) Subsection 63J-1-602.1(14), Nurse Home Visiting Restricted Account is repealed July 1, 2026.

~~[(17)]~~ (18) (a) Subsection 63J-1-602.1(58), relating to the Utah Statewide Radio System Restricted Account, is repealed July 1, 2022.

(b) When repealing Subsection 63J-1-602.1(58), the Office of Legislative Research and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

~~[(18)]~~ (19) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage Commission, is repealed July 1, 2023.

~~[(19)]~~ (20) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed July 1, 2022.

~~[(20)]~~ (21) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is repealed January 1, 2025.

~~[(21)]~~ (22) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is repealed July 1, 2027.

~~[(22)]~~ (23) Subsection 63J-4-608(3), which creates the Federal Land Application Advisory Committee, is repealed on July 1, 2021.

~~[(23)]~~ (24) In relation to the Utah Substance Use and Mental Health Advisory Council, on January 1, 2023:

(a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are repealed;

(b) Section 63M-7-305, the language that states "council" is replaced with "commission";

(c) Subsection 63M-7-305(1) is repealed and replaced with:

"(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

(d) Subsection 63M-7-305(2) is repealed and replaced with:

"(2) The commission shall:

(a) provide ongoing oversight of the implementation, functions, and evaluation of the Drug-Related Offenses Reform Act; and

(b) coordinate the implementation of Section 77-18-1.1 and related provisions in

Subsections [77-18-1\(5\)\(b\)\(iii\)](#) and (iv).".

~~[(24)]~~ [\(25\)](#) The Crime Victim Reparations and Assistance Board, created in Section [63M-7-504](#), is repealed July 1, 2027.

~~[(25)]~~ [\(26\)](#) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July 1, 2022.

~~[(26)]~~ [\(27\)](#) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

~~[(27)]~~ [\(28\)](#) Subsection [63N-1-301\(4\)\(c\)](#), related to the Talent Ready Utah Board, is repealed January 1, 2023.

~~[(28)]~~ [\(29\)](#) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating Council, is repealed July 1, 2024.

~~[(29)]~~ [\(30\)](#) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

~~[(30)]~~ [\(31\)](#) Section [63N-2-512](#) is repealed July 1, 2021.

~~[(31)]~~ [\(32\)](#) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed January 1, 2021.

(b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for calendar years beginning on or after January 1, 2021.

(c) Notwithstanding Subsection (31)(b), an entity may carry forward a tax credit in accordance with Section [59-9-107](#) if:

(i) the person is entitled to a tax credit under Section [59-9-107](#) on or before December 31, 2020; and

(ii) the qualified equity investment that is the basis of the tax credit is certified under Section [63N-2-603](#) on or before December 31, 2023.

~~[(32)]~~ [\(33\)](#) Subsections [63N-3-109\(2\)\(e\)](#) and [63N-3-109\(2\)\(f\)\(i\)](#) are repealed July 1, 2023.

~~[(33)]~~ [\(34\)](#) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed July 1, 2023.

~~[(34)]~~ [\(35\)](#) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1, 2025.

~~[(35)]~~ [\(36\)](#) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program, is repealed January 1, 2023.

245 [~~(36)~~] (37) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed
246 January 1, 2023.