

**EDUCATION AND MENTAL HEALTH COORDINATING
COUNCIL**

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Val L. Peterson

Senate Sponsor: Ann Millner

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

86 within the state;

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

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

89 (v) the president or chief executive officer of a nonprofit organization that provides
90 comprehensive mental health care to children and families across the socioeconomic spectrum;
91 and

92 (vi) a mental health research expert.

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

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

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

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

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

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

104 (B) appointing a new council member.

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

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

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

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

113 (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 to the council.

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

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

(1) The council shall:

(a) meet at least twice per quarter; and

(b) make findings and recommendations to:

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

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

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

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

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

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

(3) At or before the November interim meeting, the council shall report the council's

findings and recommendations described in Subsection (1)(b) to the Education Interim Committee and the Health and Human Services Interim Committee.

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

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

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

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

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

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

(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

198 Committee, is repealed July 1, 2027.

199 ~~[(22)]~~ (23) Subsection 63J-4-608(3), which creates the Federal Land Application
200 Advisory Committee, is repealed on July 1, 2021.

201 ~~[(23)]~~ (24) In relation to the Utah Substance Use and Mental Health Advisory Council,
202 on January 1, 2023:

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

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

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

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

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

210 "(2) The commission shall:

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

213 (b) coordinate the implementation of Section 77-18-1.1 and related provisions in
214 Subsections 77-18-1(5)(b)(iii) and (iv).".

215 ~~[(24)]~~ (25) The Crime Victim Reparations and Assistance Board, created in Section
216 63M-7-504, is repealed July 1, 2027.

217 ~~[(25)]~~ (26) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed
218 July 1, 2022.

219 ~~[(26)]~~ (27) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,
220 2021.

221 ~~[(27)]~~ (28) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is
222 repealed January 1, 2023.

223 ~~[(28)]~~ (29) Title 63N, Chapter 1, Part 5, Governor's Economic Development
224 Coordinating Council, is repealed July 1, 2024.

225 ~~[(29)]~~ (30) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

226 ~~[(30)]~~ (31) Section [63N-2-512](#) is repealed July 1, 2021.

227 ~~[(31)]~~ (32) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed

228 January 1, 2021.

229 (b) Section [59-9-107](#) regarding tax credits against premium taxes is repealed for

230 calendar years beginning on or after January 1, 2021.

231 (c) Notwithstanding Subsection (31)(b), an entity may carry forward a tax credit in

232 accordance with Section [59-9-107](#) if:

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

234 31, 2020; and

235 (ii) the qualified equity investment that is the basis of the tax credit is certified under

236 Section [63N-2-603](#) on or before December 31, 2023.

237 ~~[(32)]~~ (33) Subsections [63N-3-109](#)(2)(e) and [63N-3-109](#)(2)(f)(i) are repealed July 1,

238 2023.

239 ~~[(33)]~~ (34) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is

240 repealed July 1, 2023.

241 ~~[(34)]~~ (35) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed

242 July 1, 2025.

243 ~~[(35)]~~ (36) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant

244 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.