

Senator Allen M. Christensen proposes the following substitute bill:

MEDICAID EXPANSION ADJUSTMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill amends provisions relating to the state Medicaid program and the state sales tax.

Highlighted Provisions:

This bill:

- ▶ makes changes to eligibility for and administration of the state Medicaid program;
- ▶ directs the Department of Health to continue to seek approval from the federal government to implement the Medicaid waiver expansion;
- ▶ directs the department to submit a request to the federal government to provide Medicaid benefits to enrollees who are newly eligible under the Medicaid waiver expansion in a manner that:
 - incorporates a per capita cap on federal reimbursement;
 - limits presumptive eligibility;
 - imposes a lock-out period for individuals who violate certain program requirements;
 - gives enrollees continuous eligibility for a period of 12 months; and
- ▶ allows Medicaid funds to be used for housing supports for certain enrollees;
- ▶ amends provisions related to various hospital assessments;



- 26 ▶ amends provisions related to the state sales tax; and
- 27 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 This bill appropriates in fiscal year 2020:

- 30 ▶ to the Department of Health, Medicaid Expansion Fund, as an ongoing
- 31 appropriation:
- 32 • from the General Fund, One-time, \$15,000,000.

33 **Other Special Clauses:**

34 This bill provides a special effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37 **26-18-3.1**, as amended by Statewide Initiative -- Proposition 3, Nov. 6, 2018
- 38 **26-18-3.9**, as enacted by Statewide Initiative -- Proposition 3, Nov. 6, 2018
- 39 **26-18-415**, as enacted by Laws of Utah 2018, Chapter 468
- 40 **26-36b-208**, as last amended by Laws of Utah 2018, Chapters 384 and 468
- 41 **26-36c-102**, as enacted by Laws of Utah 2018, Chapter 468
- 42 **26-36c-203**, as enacted by Laws of Utah 2018, Chapter 468
- 43 **59-12-103**, as amended by Statewide Initiative -- Proposition 3, Nov. 6, 2018



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

46 Section 1. Section **26-18-3.1** is amended to read:

47 **26-18-3.1. Medicaid expansion.**

48 (1) The purpose of this section is to expand the coverage of the Medicaid program to
49 persons who are in categories traditionally not served by that program.

50 (2) Within appropriations from the Legislature, the department may amend the state
51 plan for medical assistance to provide for eligibility for Medicaid:

52 (a) on or after July 1, 1994, for children 12 to 17 years old who live in households
53 below the federal poverty income guideline; and

54 (b) on or after July 1, 1995, for persons who have incomes below the federal poverty
55 income guideline and who are aged, blind, or have a disability.

56 (3) (a) Within appropriations from the Legislature, on or after July 1, 1996, the

57 Medicaid program may provide for eligibility for persons who have incomes below the federal
58 poverty income guideline.

59 (b) In order to meet the provisions of this subsection, the department may seek
60 approval for a demonstration project under 42 U.S.C. [Section] Sec. 1315 from the secretary of
61 the United States Department of Health and Human Services. This demonstration project may
62 also provide for the voluntary participation of private firms that:

- 63 (i) are newly established or marginally profitable;
- 64 (ii) do not provide health insurance to their employees;
- 65 (iii) employ predominantly low wage workers; and
- 66 (iv) are unable to obtain adequate and affordable health care insurance in the private
67 market.

68 (4) The Medicaid program shall provide for eligibility for persons as required by
69 Section 26-18-3.9(2).

70 (5) Subject to the requirements of Section 26-18-3.9(2) [~~and (3)~~], services available for
71 persons described in this section shall include required Medicaid services and may include one
72 or more optional Medicaid services if those services are funded by the Legislature. Subject to
73 the requirements of Section 26-18-3.9(2), the department may also require persons described in
74 this section to meet an asset test.

75 Section 2. Section 26-18-3.9 is amended to read:

76 **26-18-3.9. Protecting and expanding the Medicaid program and Utah Children's**
77 **Health Insurance Program.**

78 [~~(1) Findings and purpose:~~]

79 [~~(a) Findings. The People of the State of Utah find that:~~]

80 [~~(i) Adequate medical care is crucial to the health and welfare of the residents of Utah;~~]

81 [~~(ii) It is essential that all Utahns have access to medical care, including preventive
82 care, emergency services, and hospital care;~~]

83 [~~(iii) Utah's Medicaid program and CHHP provide care to Utahns who are unable to
84 afford private health insurance and are not eligible for other health insurance. Medicaid and
85 CHHP are vital parts of the Utah health care system and it is essential that they continue to
86 provide health care for the most vulnerable citizens of our state;~~]

87 [~~(iv) However, over 250,000 Utahns remain uninsured and do not have adequate access~~]

88 ~~to health care. Over 100,000 of the uninsured would be covered by Medicaid if the State of~~
89 ~~Utah were to expand eligibility to all individuals who are in the federal optional Medicaid~~
90 ~~expansion population, as defined as of January 1, 2017;]~~

91 ~~[(v) When people don't have access to care they are far more likely to develop chronic~~
92 ~~conditions, like diabetes or asthma, that often require expensive treatment for a patient's entire~~
93 ~~life, resulting in unnecessary suffering and driving up the cost of healthcare;]~~

94 ~~[(vi) When medical providers provide care for which patients are not insured, the cost~~
95 ~~of that care is passed on to others, thus increasing the cost of medical care for all Utah~~
96 ~~residents;]~~

97 ~~[(vii) It is critical to the survival of the Medicaid program that it remain adequately~~
98 ~~funded so that it can provide needed medical services to those who otherwise would not have~~
99 ~~access to care, and can compensate the providers who serve participants. The compensation to~~
100 ~~providers must be adequate to encourage providers to continue to treat patients on Medicaid;~~
101 ~~and]~~

102 ~~[(viii) From moral, health and fiscal perspectives, protecting and expanding the~~
103 ~~Medicaid program in Utah is essential to maintaining the quality of life in our state.]~~

104 ~~[(b) Purpose. The purpose of this measure is to preserve and strengthen medical care~~
105 ~~in the State of Utah by the following:]~~

106 ~~[(i) Protecting Medicaid and CHIP so that they can continue to provide medical care to~~
107 ~~those who are currently eligible, and]~~

108 ~~[(ii) Expanding Medicaid eligibility to adults who are in the federal optional Medicaid~~
109 ~~expansion population, as defined as of January 1, 2017;]~~

110 (1) As used in this section:

111 (a) "CMS" means the Centers for Medicare and Medicaid Services in the United States
112 Department of Health and Human Services.

113 (b) "Federal poverty level" means the same as that term is defined in Section
114 [26-18-411](#).

115 (c) "Medicaid waiver expansion" means the same as that term is defined in Section
116 [26-18-415](#).

117 (2) ~~[Eligibility.]~~ As set forth in Subsections (2)(a) through (2)(d), eligibility criteria for
118 the Medicaid program shall be ~~[maintained as they existed on January 1, 2017 and also]~~

119 expanded to cover additional low-income individuals.

120 ~~[(a) The standards, methodologies, and procedures for determining eligibility for the~~
121 ~~Medicaid program and CHHP shall be no more restrictive than the eligibility standards,~~
122 ~~methodologies, and procedures, respectively, that were in effect on January 1, 2017.]~~

123 ~~[(b)] (a) Notwithstanding Sections 26-18-18 and 63J-5-204, [beginning April 1, 2019,]~~
124 ~~eligibility for the Medicaid program shall be expanded [to include all persons in the optional~~
125 ~~Medicaid expansion population under the Patient Protection and Affordable Care Act, Pub. L.~~
126 ~~No. 111-148 and the Health Care Education Reconciliation Act of 2010, Pub. L. No. 111-152,~~
127 ~~and related federal regulations and guidance, as those statutory and regulatory provisions and~~
128 ~~guidance existed on January 1, 2017.] only if the department:~~

129 ~~(i) receives approval from CMS of a waiver or state plan amendment to implement the~~
130 ~~provision described in Subsection 26-18-415(2)(b)(viii);~~

131 ~~(ii) only pays the state portion of costs for any expansion under this section from:~~

132 ~~(A) the Medicaid Expansion Fund, created in Section 26-36b-208;~~

133 ~~(B) county contributions to the non-federal share of Medicaid expenditures; and~~

134 ~~(C) any other contributions, funds, or transfers from a non-state agency for Medicaid~~
135 ~~expenditures; and~~

136 ~~(iii) closes the Medicaid program to new enrollment under any expansion done in~~
137 ~~accordance with this section if the cost of the expansion is projected to exceed the~~
138 ~~appropriations for the fiscal year that are authorized by the Legislature through an~~
139 ~~appropriations act adopted in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.~~

140 ~~[(c) There shall be no caps on enrollment beyond those in place as of January 1, 2017.]~~

141 ~~[(d) The eligibility criteria in Subsection (2)(b) shall be construed to include all~~
142 ~~individuals eligible for the health coverage improvement program under Section 26-18-411.]~~

143 ~~[(3) Care and Services. For each enrollment group or category in the Medicaid~~
144 ~~program and CHHP, the categories of care or services and the types of benefits provided in each~~
145 ~~category shall be no more restrictive than the categories of care or services and the types of~~
146 ~~benefits provided on January 1, 2017. Such services and benefits shall be provided in~~
147 ~~sufficient amount, duration, and scope to achieve their purposes.]~~

148 ~~[(4) Out-of-Pocket Costs. Any premium, beneficiary enrollment fee, and cost sharing~~
149 ~~requirement applicable to care and services described in this section, including but not limited~~

150 to co-pay, co-insurance, deductible, or out-of-pocket maximum, shall be no greater than those
151 in effect on January 1, 2017.]

152 [~~(5) Provider payments.~~]

153 [~~(a) Payments to providers under the Medicaid program and CHIP for covered care and
154 services shall be made at a rate not less than 100% of the payment rate that applied to such care
155 and services on January 1, 2017, and shall increase annually at a rate not less than the region's
156 Consumer Price Index.~~]

157 [~~(b) Managed care.~~]

158 [~~(i) If the department contracts with an accountable care organization or other
159 organization to cover care and services under the Medicaid program or CHIP, a contract with
160 that organization shall provide that the organization shall make payments to providers for items
161 and services that are subject to the contract and that are furnished to individuals eligible for the
162 Medicaid program or CHIP at a rate not less than 100% of the payment rate that at least one
163 accountable care organization that contracted with the department paid for such care and
164 services on January 1, 2017 (regardless of the manner in which such payments are made,
165 including in the form of capitation or partial capitation), and that the minimum payment
166 required by this provision will increase annually at a rate not less than the region's Consumer
167 Price Index.~~]

168 [~~(ii) Payments by the department to accountable care organizations or such other
169 organizations shall be sufficient for the organizations to comply with the provider payment rate
170 requirements of this section.~~]

171 [~~(c) This subsection (5) shall not apply to physician reimbursement for drugs or
172 devices.~~]

173 (b) The department shall expand the Medicaid program if the department receives
174 approval from CMS to implement the provisions described in Subsections 26-18-415(2)(b)(i)
175 and (viii).

176 (c) If the department expands the Medicaid program under Subsection (2)(b), the
177 department shall continue to seek approval from CMS to implement each of the provisions
178 described in Subsections 26-18-415(2) and (3).

179 (d) On or before July 1, 2019, the department shall submit one or more waivers or state
180 plan amendments to CMS to implement the following provisions in the Medicaid program

181 under the Medicaid waiver expansion:

182 (i) for each individual who is newly eligible for the Medicaid program under the
183 Medicaid waiver expansion:

184 (A) limit, in certain circumstances as defined by the department, the ability of a
185 qualified entity to determine presumptive eligibility for Medicaid coverage;

186 (B) impose a lock-out period if the individual violates certain program requirements as
187 defined by the department; and

188 (C) allow the individual to remain in the Medicaid program for a 12-month
189 certification period as defined by the department; and

190 (ii) allow federal Medicaid funds to be used for housing support for eligible enrollees.

191 ~~[(6) Nothing in this section shall prevent the people acting through initiative, the~~
192 ~~Legislature by statute, or the department by promulgating rules from:]~~

193 ~~[(a) Expanding eligibility by adopting less restrictive eligibility standards,~~
194 ~~methodologies, or procedures than those permitted by Subsection (2);]~~

195 ~~[(b) Expanding covered care and services by adding to the list, amount, duration, or~~
196 ~~scope of covered care and services required by Subsection (3);]~~

197 ~~[(c) Reducing premiums, beneficiary enrollment fees, or cost sharing requirements~~
198 ~~below the maximum levels permitted by Subsection (4); or]~~

199 ~~[(d) Increasing provider payments above the minimum payments required by~~
200 ~~Subsection (5).]~~

201 ~~[(7) For purposes of this section:]~~

202 ~~[(a) The “Medicaid program” means the Medicaid program defined by Section~~
203 ~~26-18-2, including any waivers.]~~

204 ~~[(b) The “Utah Children’s Health Insurance Program” or “CHIP” means the Utah~~
205 ~~Children’s Health Insurance Program created in Chapter 40, Utah Children’s Health Insurance~~
206 ~~Act.]~~

207 ~~[(8)]~~ (3) The department shall maximize federal financial participation in
208 implementing this section, including by seeking to obtain any necessary federal approvals or
209 waivers.

210 ~~[(9) This section and Section 26-18-3.1(4) shall not apply to CHIP in any year for~~
211 ~~which the State Children’s Health Insurance Program, as described in Subchapter XXI, 42~~

212 ~~U.S.C. Sec. 1397aa et seq., is not extended at the federal level.]~~

213 ~~[(10)]~~ (5) Notwithstanding Sections [17-43-201](#) and [17-43-301](#), a county does not have
214 to provide matching funds to the state for the cost of providing Medicaid services to newly
215 enrolled individuals who qualify for Medicaid coverage under Subsection (2)~~[(b)]~~.

216 ~~[(11) Severability. If any provision of this section or its application to any person or~~
217 ~~circumstance is held invalid, the remainder of this section shall be given effect without the~~
218 ~~invalid provision or application, and to this end the provisions of this section are severable.]~~

219 Section 3. Section **26-18-415** is amended to read:

220 **26-18-415. Medicaid waiver expansion.**

221 (1) As used in this section:

222 (a) "CMS" means the Centers for Medicare and Medicaid Services within the United
223 States Department of Health and Human Services.

224 (b) "Expansion population" means individuals:

225 (i) whose household income is less than 95% of the federal poverty level; and

226 (ii) who are not eligible for enrollment in the Medicaid program, with the exception of
227 the Primary Care Network program, on May 8, 2018.

228 (c) "Federal poverty level" means the same as that term is defined in Section
229 [26-18-411](#).

230 (d) "Medicaid waiver expansion" means a Medicaid expansion in accordance with this
231 section~~[-]~~ or Section [26-18-3.9](#).

232 (2) (a) Before January 1, 2019, the department shall apply to CMS for approval of a
233 waiver or state plan amendment to implement the Medicaid waiver expansion.

234 (b) The Medicaid waiver expansion shall:

235 (i) expand Medicaid coverage to eligible individuals whose income is below 95% of
236 the federal poverty level;

237 (ii) obtain maximum federal financial participation under 42 U.S.C. Sec. 1396d(y) for
238 enrolling an individual in the Medicaid program;

239 (iii) provide Medicaid benefits through the state's Medicaid accountable care
240 organizations in areas where a Medicaid accountable care organization is implemented;

241 (iv) integrate the delivery of behavioral health services and physical health services
242 with Medicaid accountable care organizations in select geographic areas of the state that

243 choose an integrated model;

244 (v) include a path to self-sufficiency, including work activities as defined in 42 U.S.C.
245 Sec. 607(d), for qualified adults;

246 (vi) require an individual who is offered a private health benefit plan by an employer to
247 enroll in the employer's health plan;

248 (vii) sunset in accordance with Subsection (5)(a); and

249 (viii) permit the state to close enrollment in the Medicaid waiver expansion if the
250 department has insufficient funding to provide services to additional eligible individuals.

251 (c) (i) In accordance with Subsection 26-18-3.9(2), the department shall expand the
252 Medicaid program if the department receives approval from CMS to implement the provisions
253 described in Subsections (2)(b)(i) and (viii).

254 (ii) If the department is no longer able to implement the provisions described in
255 Subsections (2)(b)(i) and (viii), the authority of the department to implement the Medicaid
256 waiver expansion under Subsection (2)(c)(i) shall sunset no later than the next July 1 after the
257 date on which the department is no longer able to implement the provisions described in
258 Subsections (2)(b)(i) and (viii).

259 (3) (a) The department shall continue to seek approval from CMS to implement the
260 provisions in Subsections (2)(b)(ii) through (vii) through a waiver, an amendment to an
261 existing waiver, or a state plan amendment.

262 (b) In addition to the provisions described in Subsection (2)(b)(ii) through (vii), the
263 department shall seek approval from CMS to administer federal funds for the Medicaid
264 program according to a per capita cap, by eligibility group, developed by the department that:

265 (i) includes an annual inflationary adjustment;

266 (ii) accounts for differences in cost among categories of Medicaid eligibility; and

267 (iii) provides greater flexibility to the state than the current Medicaid payment model.

268 (c) The department may not implement the provision described in Subsection (3)(b),
269 unless the department is able to implement each of the provisions described in Subsections
270 (2)(b)(ii) through (vii).

271 [~~3~~] (4) If the Medicaid waiver described in Subsection [~~1~~] (2) or (3) is approved, the
272 department may only pay the state portion of costs for the Medicaid waiver expansion with
273 appropriations from:

- 274 (a) the Medicaid Expansion Fund, created in Section [26-36b-208](#);
- 275 (b) county contributions to the non-federal share of Medicaid expenditures; and
- 276 (c) any other contributions, funds, or transfers from a non-state agency for Medicaid
- 277 expenditures.

278 ~~[(4)]~~ (5) (a) Medicaid accountable care organizations and counties that elect to
279 integrate care under Subsection (2)(b)(iv) shall collaborate on enrollment, engagement of
280 patients, and coordination of services.

281 (b) For any geographic area that elects to integrate the delivery of services under
282 Subsection (2)(b)(iv), the department:

283 (i) shall permit a local mental health authority to integrate the delivery of mental health
284 services and physical health services;

285 (ii) shall permit a county, local mental health authority, or Medicaid accountable care
286 organization to integrate select groups within the population that is newly eligible under the
287 Medicaid waiver expansion; and

288 (iii) may make rules in accordance with Title 63G, Chapter 3, Utah Administrative
289 Rulemaking Act, to integrate payments for behavioral health services and physical health
290 services to plans or providers.

291 ~~[(5) (a) If federal financial participation for the Medicaid waiver expansion is reduced~~
292 ~~below 90%, the authority of the department to implement the Medicaid waiver expansion shall~~
293 ~~sunset no later than the next July 1 after the date on which the federal financial participation is~~
294 ~~reduced.]~~

295 ~~[(b)]~~ (6) The department shall close the program to new enrollment if the cost of the
296 Medicaid waiver expansion is projected to exceed the appropriations for the fiscal year that are
297 authorized by the Legislature through an appropriations act adopted in accordance with Title
298 63J, Chapter 1, Budgetary Procedures Act.

299 ~~[(6)]~~ (7) If the Medicaid waiver expansion is approved by CMS, the department shall
300 report to the Social Services Appropriations Subcommittee on or before November 1 of each
301 year that the Medicaid waiver expansion is operational:

- 302 (a) the number of individuals who enrolled in the Medicaid waiver program;
- 303 (b) costs to the state for the Medicaid waiver program;
- 304 (c) estimated costs for the current and following state fiscal year; and

305 (d) recommendations to control costs of the Medicaid waiver expansion.

306 Section 4. Section **26-36b-208** is amended to read:

307 **26-36b-208. Medicaid Expansion Fund.**

308 (1) There is created an expendable special revenue fund known as the Medicaid
309 Expansion Fund.

310 (2) The fund consists of:

311 (a) assessments collected under this chapter;

312 (b) intergovernmental transfers under Section [26-36b-206](#);

313 (c) savings attributable to the health coverage improvement program as determined by
314 the department;

315 (d) savings attributable to the enhancement waiver program as determined by the
316 department;

317 (e) savings attributable to the Medicaid waiver expansion as determined by the
318 department;

319 (f) savings attributable to the inclusion of psychotropic drugs on the preferred drug list
320 under Subsection [26-18-2.4\(3\)](#) as determined by the department;

321 (g) savings attributable to the services provided by the Public Employees' Health Plan
322 under Subsection [49-20-401\(1\)\(u\)](#);

323 (h) revenues collected from the sales tax described in Subsection [59-12-103\(14\)](#);

324 ~~[(h)]~~ (i) gifts, grants, donations, or any other conveyance of money that may be made to
325 the fund from private sources;

326 ~~[(i)]~~ (j) interest earned on money in the fund; and

327 ~~[(j)]~~ (k) additional amounts as appropriated by the Legislature.

328 (3) (a) The fund shall earn interest.

329 (b) All interest earned on fund money shall be deposited into the fund.

330 (4) (a) A state agency administering the provisions of this chapter may use money from
331 the fund to pay the costs, not otherwise paid for with federal funds or other revenue sources, of:

332 (i) the health coverage improvement program;

333 (ii) the enhancement waiver program;

334 (iii) the Medicaid waiver expansion; and

335 (iv) the outpatient upper payment limit supplemental payments under Section

336 26-36b-210.

337 (b) A state agency administering the provisions of this chapter may not use:

338 (i) funds described in Subsection (2)(b) to pay the cost of private outpatient upper
339 payment limit supplemental payments; or

340 (ii) money in the fund for any purpose not described in Subsection (4)(a).

341 Section 5. Section **26-36c-102** is amended to read:

342 **26-36c-102. Definitions.**

343 As used in this chapter:

344 (1) "Assessment" means the Medicaid expansion hospital assessment established by
345 this chapter.

346 (2) "CMS" means the Centers for Medicare and Medicaid Services within the United
347 States Department of Health and Human Services.

348 (3) "Discharges" means the number of total hospital discharges reported on:

349 (a) Worksheet S-3 Part I, column 15, lines 14, 16, and 17 of the 2552-10 Medicare cost
350 report for the applicable assessment year; or

351 (b) a similar report adopted by the department by administrative rule, if the report
352 under Subsection (3)(a) is no longer available.

353 (4) "Division" means the Division of Health Care Financing within the department.

354 (5) "Hospital share" means the hospital share described in Section 26-36c-203.

355 (6) "Medicaid accountable care organization" means a managed care organization, as
356 defined in 42 C.F.R. Sec. 438, that contracts with the department under the provisions of
357 Section 26-18-405.

358 (7) "Medicaid Expansion Fund" means the Medicaid Expansion Fund created in
359 Section 26-36b-208.

360 (8) "Medicaid waiver expansion" means [~~the same as that term is defined in Section~~
361 26-18-415.] a Medicaid expansion in accordance with Subsection 26-18-415(2)(c).

362 (9) "Medicare cost report" means CMS-2552-10, the cost report for electronic filing of
363 hospitals.

364 (10) (a) "Non-state government hospital" means a hospital owned by a non-state
365 government entity.

366 (b) "Non-state government hospital" does not include:

367 (i) the Utah State Hospital; or
 368 (ii) a hospital owned by the federal government, including the Veterans Administration
 369 Hospital.

370 (11) (a) "Private hospital" means:

371 (i) a privately owned general acute hospital operating in the state as defined in Section
 372 26-21-2; or

373 (ii) a privately owned specialty hospital operating in the state, including a privately
 374 owned hospital for which inpatient admissions are predominantly:

- 375 (A) rehabilitation;
- 376 (B) psychiatric;
- 377 (C) chemical dependency; or
- 378 (D) long-term acute care services.

379 (b) "Private hospital" does not include a facility for residential treatment as defined in
 380 Section 62A-2-101.

381 (12) "State teaching hospital" means a state owned teaching hospital that is part of an
 382 institution of higher education.

383 Section 6. Section 26-36c-203 is amended to read:

384 **26-36c-203. Hospital share.**

385 (1) The hospital share is 100% of the state's net cost of the Medicaid waiver expansion,
 386 after deducting:

387 (a) appropriate offsets and savings expected as a result of implementing the Medicaid
 388 waiver expansion, including savings from:

- 389 ~~[(a)]~~ (i) the Primary Care Network program;
- 390 ~~[(b)]~~ (ii) the health coverage improvement program, as defined in Section 26-18-411;
- 391 ~~[(c)]~~ (iii) the state portion of inpatient prison medical coverage;
- 392 ~~[(d)]~~ (iv) behavioral health coverage; and
- 393 ~~[(e)]~~ (v) county contributions to the non-federal share of Medicaid expenditures~~[-];~~ and
- 394 (b) any amount remaining in the Medicaid Expansion Fund.

395 (2) (a) The hospital share is capped at no more than ~~[\$25,000,000]~~ \$15,000,000
 396 annually.

397 (b) The division shall prorate the cap specified in Subsection (2)(a) in any year in

398 which the Medicaid waiver expansion is not in effect for the full fiscal year.

399 Section 7. Section **59-12-103** is amended to read:

400 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**
401 **tax revenues.**

402 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or
403 sales price for amounts paid or charged for the following transactions:

404 (a) retail sales of tangible personal property made within the state;

405 (b) amounts paid for:

406 (i) telecommunications service, other than mobile telecommunications service, that
407 originates and terminates within the boundaries of this state;

408 (ii) mobile telecommunications service that originates and terminates within the
409 boundaries of one state only to the extent permitted by the Mobile Telecommunications
410 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

411 (iii) an ancillary service associated with a:

412 (A) telecommunications service described in Subsection (1)(b)(i); or

413 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

414 (c) sales of the following for commercial use:

415 (i) gas;

416 (ii) electricity;

417 (iii) heat;

418 (iv) coal;

419 (v) fuel oil; or

420 (vi) other fuels;

421 (d) sales of the following for residential use:

422 (i) gas;

423 (ii) electricity;

424 (iii) heat;

425 (iv) coal;

426 (v) fuel oil; or

427 (vi) other fuels;

428 (e) sales of prepared food;

429 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
430 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
431 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
432 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
433 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
434 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
435 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
436 horseback rides, sports activities, or any other amusement, entertainment, recreation,
437 exhibition, cultural, or athletic activity;

438 (g) amounts paid or charged for services for repairs or renovations of tangible personal
439 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

440 (i) the tangible personal property; and

441 (ii) parts used in the repairs or renovations of the tangible personal property described
442 in Subsection (1)(g)(i), regardless of whether:

443 (A) any parts are actually used in the repairs or renovations of that tangible personal
444 property; or

445 (B) the particular parts used in the repairs or renovations of that tangible personal
446 property are exempt from a tax under this chapter;

447 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for
448 assisted cleaning or washing of tangible personal property;

449 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court
450 accommodations and services that are regularly rented for less than 30 consecutive days;

451 (j) amounts paid or charged for laundry or dry cleaning services;

452 (k) amounts paid or charged for leases or rentals of tangible personal property if within
453 this state the tangible personal property is:

454 (i) stored;

455 (ii) used; or

456 (iii) otherwise consumed;

457 (l) amounts paid or charged for tangible personal property if within this state the
458 tangible personal property is:

459 (i) stored;

460 (ii) used; or
461 (iii) consumed; and
462 (m) amounts paid or charged for a sale:
463 (i) (A) of a product transferred electronically; or
464 (B) of a repair or renovation of a product transferred electronically; and
465 (ii) regardless of whether the sale provides:
466 (A) a right of permanent use of the product; or
467 (B) a right to use the product that is less than a permanent use, including a right:
468 (I) for a definite or specified length of time; and
469 (II) that terminates upon the occurrence of a condition.
470 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax
471 is imposed on a transaction described in Subsection (1) equal to the sum of:
472 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
473 (A) (I) through March 31, 2019, 4.70%; and
474 (II) beginning on April 1, 2019, 4.70% plus the rate specified in Subsection (14)(a);
475 and
476 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
477 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
478 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional
479 State Sales and Use Tax Act; and
480 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
481 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211
482 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state
483 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
484 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
485 transaction under this chapter other than this part.
486 (b) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed
487 on a transaction described in Subsection (1)(d) equal to the sum of:
488 (i) a state tax imposed on the transaction at a tax rate of 2%; and
489 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
490 transaction under this chapter other than this part.

491 (c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed
492 on amounts paid or charged for food and food ingredients equal to the sum of:

493 (i) a state tax imposed on the amounts paid or charged for food and food ingredients at
494 a tax rate of 1.75%; and

495 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
496 amounts paid or charged for food and food ingredients under this chapter other than this part.

497 (d) (i) For a bundled transaction that is attributable to food and food ingredients and
498 tangible personal property other than food and food ingredients, a state tax and a local tax is
499 imposed on the entire bundled transaction equal to the sum of:

500 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

501 (I) the tax rate described in Subsection (2)(a)(i)(A); and

502 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
503 Sales and Use Tax Act, if the location of the transaction as determined under Sections
504 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
505 Additional State Sales and Use Tax Act; and

506 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
507 Sales and Use Tax Act, if the location of the transaction as determined under Sections
508 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
509 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

510 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates
511 described in Subsection (2)(a)(ii).

512 (ii) If an optional computer software maintenance contract is a bundled transaction that
513 consists of taxable and nontaxable products that are not separately itemized on an invoice or
514 similar billing document, the purchase of the optional computer software maintenance contract
515 is 40% taxable under this chapter and 60% nontaxable under this chapter.

516 (iii) Subject to Subsection (2)(d)(iv), for a bundled transaction other than a bundled
517 transaction described in Subsection (2)(d)(i) or (ii):

518 (A) if the sales price of the bundled transaction is attributable to tangible personal
519 property, a product, or a service that is subject to taxation under this chapter and tangible
520 personal property, a product, or service that is not subject to taxation under this chapter, the
521 entire bundled transaction is subject to taxation under this chapter unless:

522 (I) the seller is able to identify by reasonable and verifiable standards the tangible
523 personal property, product, or service that is not subject to taxation under this chapter from the
524 books and records the seller keeps in the seller's regular course of business; or

525 (II) state or federal law provides otherwise; or

526 (B) if the sales price of a bundled transaction is attributable to two or more items of
527 tangible personal property, products, or services that are subject to taxation under this chapter
528 at different rates, the entire bundled transaction is subject to taxation under this chapter at the
529 higher tax rate unless:

530 (I) the seller is able to identify by reasonable and verifiable standards the tangible
531 personal property, product, or service that is subject to taxation under this chapter at the lower
532 tax rate from the books and records the seller keeps in the seller's regular course of business; or

533 (II) state or federal law provides otherwise.

534 (iv) For purposes of Subsection (2)(d)(iii), books and records that a seller keeps in the
535 seller's regular course of business includes books and records the seller keeps in the regular
536 course of business for nontax purposes.

537 (e) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(e)(ii)
538 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a
539 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental
540 of tangible personal property, other property, a product, or a service that is not subject to
541 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless
542 the seller, at the time of the transaction:

543 (A) separately states the portion of the transaction that is not subject to taxation under
544 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

545 (B) is able to identify by reasonable and verifiable standards, from the books and
546 records the seller keeps in the seller's regular course of business, the portion of the transaction
547 that is not subject to taxation under this chapter.

548 (ii) A purchaser and a seller may correct the taxability of a transaction if:

549 (A) after the transaction occurs, the purchaser and the seller discover that the portion of
550 the transaction that is not subject to taxation under this chapter was not separately stated on an
551 invoice, bill of sale, or similar document provided to the purchaser because of an error or
552 ignorance of the law; and

553 (B) the seller is able to identify by reasonable and verifiable standards, from the books
554 and records the seller keeps in the seller's regular course of business, the portion of the
555 transaction that is not subject to taxation under this chapter.

556 (iii) For purposes of Subsections (2)(e)(i) and (ii), books and records that a seller keeps
557 in the seller's regular course of business includes books and records the seller keeps in the
558 regular course of business for nontax purposes.

559 (f) (i) If the sales price of a transaction is attributable to two or more items of tangible
560 personal property, products, or services that are subject to taxation under this chapter at
561 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate
562 unless the seller, at the time of the transaction:

563 (A) separately states the items subject to taxation under this chapter at each of the
564 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

565 (B) is able to identify by reasonable and verifiable standards the tangible personal
566 property, product, or service that is subject to taxation under this chapter at the lower tax rate
567 from the books and records the seller keeps in the seller's regular course of business.

568 (ii) For purposes of Subsection (2)(f)(i), books and records that a seller keeps in the
569 seller's regular course of business includes books and records the seller keeps in the regular
570 course of business for nontax purposes.

571 (g) Subject to Subsections (2)(h) and (i), a tax rate repeal or tax rate change for a tax
572 rate imposed under the following shall take effect on the first day of a calendar quarter:

573 (i) Subsection (2)(a)(i)(A);

574 (ii) Subsection (2)(b)(i);

575 (iii) Subsection (2)(c)(i); or

576 (iv) Subsection (2)(d)(i)(A)(I).

577 (h) (i) A tax rate increase takes effect on the first day of the first billing period that
578 begins on or after the effective date of the tax rate increase if the billing period for the
579 transaction begins before the effective date of a tax rate increase imposed under:

580 (A) Subsection (2)(a)(i)(A);

581 (B) Subsection (2)(b)(i);

582 (C) Subsection (2)(c)(i); or

583 (D) Subsection (2)(d)(i)(A)(I).

584 (ii) The repeal of a tax or a tax rate decrease applies to a billing
585 statement for the billing period is rendered on or after the effective date of the repeal of the tax
586 or the tax rate decrease imposed under:

- 587 (A) Subsection (2)(a)(i)(A);
- 588 (B) Subsection (2)(b)(i);
- 589 (C) Subsection (2)(c)(i); or
- 590 (D) Subsection (2)(d)(i)(A)(I).

591 (i) (i) For a tax rate described in Subsection (2)(i)(ii), if a tax due on a catalogue sale is
592 computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or
593 change in a tax rate takes effect:

- 594 (A) on the first day of a calendar quarter; and
- 595 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

596 (ii) Subsection (2)(i)(i) applies to the tax rates described in the following:

- 597 (A) Subsection (2)(a)(i)(A);
- 598 (B) Subsection (2)(b)(i);
- 599 (C) Subsection (2)(c)(i); or
- 600 (D) Subsection (2)(d)(i)(A)(I).

601 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
602 the commission may by rule define the term "catalogue sale."

603 (3) (a) The following state taxes shall be deposited into the General Fund:

- 604 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 605 (ii) the tax imposed by Subsection (2)(b)(i);
- 606 (iii) the tax imposed by Subsection (2)(c)(i); or
- 607 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

608 (b) The following local taxes shall be distributed to a county, city, or town as provided
609 in this chapter:

- 610 (i) the tax imposed by Subsection (2)(a)(ii);
- 611 (ii) the tax imposed by Subsection (2)(b)(ii);
- 612 (iii) the tax imposed by Subsection (2)(c)(ii); and
- 613 (iv) the tax imposed by Subsection (2)(d)(i)(B).

614 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,

615 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
616 through (g):

617 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:

618 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and

619 (B) for the fiscal year; or

620 (ii) \$17,500,000.

621 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount

622 described in Subsection (4)(a) shall be transferred each year as dedicated credits to the

623 Department of Natural Resources to:

624 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to

625 protect sensitive plant and animal species; or

626 (B) award grants, up to the amount authorized by the Legislature in an appropriations

627 act, to political subdivisions of the state to implement the measures described in Subsections

628 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

629 (ii) Money transferred to the Department of Natural Resources under Subsection

630 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other

631 person to list or attempt to have listed a species as threatened or endangered under the

632 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

633 (iii) At the end of each fiscal year:

634 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources

635 Conservation and Development Fund created in Section 73-10-24;

636 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan

637 Program Subaccount created in Section 73-10c-5; and

638 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan

639 Program Subaccount created in Section 73-10c-5.

640 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in

641 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund

642 created in Section 4-18-106.

643 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described

644 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water

645 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of

646 water rights.

647 (ii) At the end of each fiscal year:

648 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources
649 Conservation and Development Fund created in Section 73-10-24;

650 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan
651 Program Subaccount created in Section 73-10c-5; and

652 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan
653 Program Subaccount created in Section 73-10c-5.

654 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described
655 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and
656 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

657 (ii) In addition to the uses allowed of the Water Resources Conservation and
658 Development Fund under Section 73-10-24, the Water Resources Conservation and
659 Development Fund may also be used to:

660 (A) conduct hydrologic and geotechnical investigations by the Division of Water
661 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of
662 quantifying surface and ground water resources and describing the hydrologic systems of an
663 area in sufficient detail so as to enable local and state resource managers to plan for and
664 accommodate growth in water use without jeopardizing the resource;

665 (B) fund state required dam safety improvements; and

666 (C) protect the state's interest in interstate water compact allocations, including the
667 hiring of technical and legal staff.

668 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
669 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount
670 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

671 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
672 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount
673 created in Section 73-10c-5 for use by the Division of Drinking Water to:

674 (i) provide for the installation and repair of collection, treatment, storage, and
675 distribution facilities for any public water system, as defined in Section 19-4-102;

676 (ii) develop underground sources of water, including springs and wells; and

677 (iii) develop surface water sources.

678 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
679 2006, the difference between the following amounts shall be expended as provided in this
680 Subsection (5), if that difference is greater than \$1:

681 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the
682 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

683 (ii) \$17,500,000.

684 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

685 (A) transferred each fiscal year to the Department of Natural Resources as dedicated
686 credits; and

687 (B) expended by the Department of Natural Resources for watershed rehabilitation or
688 restoration.

689 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described
690 in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and Development Fund
691 created in Section 73-10-24.

692 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
693 remaining difference described in Subsection (5)(a) shall be:

694 (A) transferred each fiscal year to the Division of Water Resources as dedicated
695 credits; and

696 (B) expended by the Division of Water Resources for cloud-seeding projects
697 authorized by Title 73, Chapter 15, Modification of Weather.

698 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described
699 in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and Development Fund
700 created in Section 73-10-24.

701 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
702 remaining difference described in Subsection (5)(a) shall be deposited into the Water
703 Resources Conservation and Development Fund created in Section 73-10-24 for use by the
704 Division of Water Resources for:

705 (i) preconstruction costs:

706 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
707 26, Bear River Development Act; and

708 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
709 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

710 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,
711 Chapter 26, Bear River Development Act;

712 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project
713 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

714 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
715 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

716 (e) After making the transfers required by Subsections (5)(b) and (c) and subject to
717 Subsection (5)(f), 15% of the remaining difference described in Subsection (5)(a) shall be
718 transferred each year as dedicated credits to the Division of Water Rights to cover the costs
719 incurred for employing additional technical staff for the administration of water rights.

720 (f) At the end of each fiscal year, any unexpended dedicated credits described in
721 Subsection (5)(e) over \$150,000 lapse to the Water Resources Conservation and Development
722 Fund created in Section 73-10-24.

723 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a), the
724 amount of revenue generated by a 1/16% tax rate on the transactions described in Subsection
725 (1) for the fiscal year shall be deposited as follows:

726 (a) for fiscal year 2016-17 only, 100% of the revenue described in this Subsection (6)
727 shall be deposited into the Transportation Investment Fund of 2005 created by Section
728 72-2-124;

729 (b) for fiscal year 2017-18 only:

730 (i) 80% of the revenue described in this Subsection (6) shall be deposited into the
731 Transportation Investment Fund of 2005 created by Section 72-2-124; and

732 (ii) 20% of the revenue described in this Subsection (6) shall be deposited into the
733 Water Infrastructure Restricted Account created by Section 73-10g-103;

734 (c) for fiscal year 2018-19 only:

735 (i) 60% of the revenue described in this Subsection (6) shall be deposited into the
736 Transportation Investment Fund of 2005 created by Section 72-2-124; and

737 (ii) 40% of the revenue described in this Subsection (6) shall be deposited into the
738 Water Infrastructure Restricted Account created by Section 73-10g-103;

739 (d) for fiscal year 2019-20 only:

740 (i) 40% of the revenue described in this Subsection (6) shall be deposited into the
741 Transportation Investment Fund of 2005 created by Section 72-2-124; and

742 (ii) 60% of the revenue described in this Subsection (6) shall be deposited into the
743 Water Infrastructure Restricted Account created by Section 73-10g-103;

744 (e) for fiscal year 2020-21 only:

745 (i) 20% of the revenue described in this Subsection (6) shall be deposited into the
746 Transportation Investment Fund of 2005 created by Section 72-2-124; and

747 (ii) 80% of the revenue described in this Subsection (6) shall be deposited into the
748 Water Infrastructure Restricted Account created by Section 73-10g-103; and

749 (f) for a fiscal year beginning on or after July 1, 2021, 100% of the revenue described
750 in this Subsection (6) shall be deposited into the Water Infrastructure Restricted Account
751 created by Section 73-10g-103.

752 (7) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited in
753 Subsection (6), and subject to Subsection (7)(b), for a fiscal year beginning on or after July 1,
754 2012, the Division of Finance shall deposit into the Transportation Investment Fund of 2005
755 created by Section 72-2-124:

756 (i) a portion of the taxes listed under Subsection (3)(a) in an amount equal to 8.3% of
757 the revenues collected from the following taxes, which represents a portion of the
758 approximately 17% of sales and use tax revenues generated annually by the sales and use tax
759 on vehicles and vehicle-related products:

760 (A) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

761 (B) the tax imposed by Subsection (2)(b)(i);

762 (C) the tax imposed by Subsection (2)(c)(i); and

763 (D) the tax imposed by Subsection (2)(d)(i)(A)(I); plus

764 (ii) an amount equal to 30% of the growth in the amount of revenues collected in the
765 current fiscal year from the sales and use taxes described in Subsections (7)(a)(i)(A) through
766 (D) that exceeds the amount collected from the sales and use taxes described in Subsections
767 (7)(a)(i)(A) through (D) in the 2010-11 fiscal year.

768 (b) (i) Subject to Subsections (7)(b)(ii) and (iii), in any fiscal year that the portion of
769 the sales and use taxes deposited under Subsection (7)(a) represents an amount that is a total

770 lower percentage of the sales and use taxes described in Subsections (7)(a)(i)(A) through (D)
771 generated in the current fiscal year than the total percentage of sales and use taxes deposited in
772 the previous fiscal year, the Division of Finance shall deposit an amount under Subsection
773 (7)(a) equal to the product of:

774 (A) the total percentage of sales and use taxes deposited under Subsection (7)(a) in the
775 previous fiscal year; and

776 (B) the total sales and use tax revenue generated by the taxes described in Subsections
777 (7)(a)(i)(A) through (D) in the current fiscal year.

778 (ii) In any fiscal year in which the portion of the sales and use taxes deposited under
779 Subsection (7)(a) would exceed 17% of the revenues collected from the sales and use taxes
780 described in Subsections (7)(a)(i)(A) through (D) in the current fiscal year, the Division of
781 Finance shall deposit 17% of the revenues collected from the sales and use taxes described in
782 Subsections (7)(a)(i)(A) through (D) for the current fiscal year under Subsection (7)(a).

783 (iii) In all subsequent fiscal years after a year in which 17% of the revenues collected
784 from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) was deposited
785 under Subsection (7)(a), the Division of Finance shall annually deposit 17% of the revenues
786 collected from the sales and use taxes described in Subsections (7)(a)(i)(A) through (D) in the
787 current fiscal year under Subsection (7)(a).

788 (8) (a) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited
789 under Subsections (6) and (7), for the 2016-17 fiscal year only, the Division of Finance shall
790 deposit \$64,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into
791 the Transportation Investment Fund of 2005 created by Section [72-2-124](#).

792 (b) Notwithstanding Subsection (3)(a), and in addition to the amounts deposited under
793 Subsections (6) and (7), for the 2017-18 fiscal year only, the Division of Finance shall deposit
794 \$63,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the
795 Transportation Investment Fund of 2005 created by Section [72-2-124](#).

796 (c) (i) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
797 Subsections (6) and (7), and subject to Subsection (8)(c)(ii), for a fiscal year beginning on or
798 after July 1, 2018, the commission shall annually deposit into the Transportation Investment
799 Fund of 2005 created by Section [72-2-124](#) a portion of the taxes listed under Subsection (3)(a)
800 in an amount equal to 3.68% of the revenues collected from the following taxes:

801 (A) the tax imposed by Subsection (2)(a)(i)(A) [~~at a 4.7% rate~~];

802 (B) the tax imposed by Subsection (2)(b)(i);

803 (C) the tax imposed by Subsection (2)(c)(i); and

804 (D) the tax imposed by Subsection (2)(d)(i)(A)(I).

805 (ii) For a fiscal year beginning on or after July 1, 2019, the commission shall annually

806 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(c)(i)

807 by an amount that is equal to 35% of the amount of revenue generated in the current fiscal year

808 by the portion of the tax imposed on motor and special fuel that is sold, used, or received for

809 sale or use in this state that exceeds 29.4 cents per gallon.

810 (iii) The commission shall annually deposit the amount described in Subsection

811 (8)(c)(ii) into the Transit and Transportation Investment Fund created in Section 72-2-124.

812 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year

813 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund

814 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

815 (10) (a) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c),

816 in addition to any amounts deposited under Subsections (6), (7), and (8), and for the 2016-17

817 fiscal year only, the Division of Finance shall deposit into the Transportation Investment Fund

818 of 2005 created by Section 72-2-124 the amount of tax revenue generated by a .05% tax rate on

819 the transactions described in Subsection (1).

820 (b) Notwithstanding Subsection (3)(a), except as provided in Subsection (10)(c), and in

821 addition to any amounts deposited under Subsections (6), (7), and (8), the Division of Finance

822 shall deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 the

823 amount of revenue described as follows:

824 (i) for fiscal year 2017-18 only, 83.33% of the amount of revenue generated by a .05%

825 tax rate on the transactions described in Subsection (1);

826 (ii) for fiscal year 2018-19 only, 66.67% of the amount of revenue generated by a .05%

827 tax rate on the transactions described in Subsection (1);

828 (iii) for fiscal year 2019-20 only, 50% of the amount of revenue generated by a .05%

829 tax rate on the transactions described in Subsection (1);

830 (iv) for fiscal year 2020-21 only, 33.33% of the amount of revenue generated by a

831 .05% tax rate on the transactions described in Subsection (1); and

832 (v) for fiscal year 2021-22 only, 16.67% of the amount of revenue generated by a .05%
833 tax rate on the transactions described in Subsection (1).

834 (c) For purposes of Subsections (10)(a) and (b), the Division of Finance may not
835 deposit into the Transportation Investment Fund of 2005 any tax revenue generated by amounts
836 paid or charged for food and food ingredients, except for tax revenue generated by a bundled
837 transaction attributable to food and food ingredients and tangible personal property other than
838 food and food ingredients described in Subsection (2)(d).

839 (11) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the
840 fiscal year during which the Division of Finance receives notice under Section 63N-2-510 that
841 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the Division of
842 Finance shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue
843 generated by the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund,
844 created in Section 63N-2-512.

845 (12) (a) Notwithstanding Subsection (3)(a), for the 2016-17 fiscal year only, the
846 Division of Finance shall deposit \$26,000,000 of the revenues generated by the taxes listed
847 under Subsection (3)(a) into the Throughput Infrastructure Fund created by Section 35A-8-308.

848 (b) Notwithstanding Subsection (3)(a), for the 2017-18 fiscal year only, the Division of
849 Finance shall deposit \$27,000,000 of the revenues generated by the taxes listed under
850 Subsection (3)(a) into the Throughput Infrastructure Fund created by Section 35A-8-308.

851 (13) Notwithstanding Subsections (4) through (12) and (14), an amount required to be
852 expended or deposited in accordance with Subsections (4) through (12) and (14) may not
853 include an amount the Division of Finance deposits in accordance with Section 59-12-103.2.

854 (14) (a) The rate specified in this subsection is 0.15%.

855 (b) Notwithstanding Subsection (3)(a), the Division of Finance shall:

856 (i) on or before September 30, 2019, transfer the amount of revenue [~~generated by~~
857 collected from a 0.15% tax rate imposed beginning on April 1, 2019, and ending on June 30,
858 2019, on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A)
859 ~~[as dedicated credits to the Division of Health Care Financing]~~ into the Medicaid Expansion
860 Fund created in Section 26-36b-208; and

861 (ii) for a fiscal year beginning on or after [~~fiscal year 2019-20~~] July 1, 2019, annually
862 transfer the amount of revenue [~~generated by~~] collected from a 0.15% tax rate on the

863 transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(A) [as dedicated
864 credits to the Division of Health Care Financing] into the Medicaid Expansion Fund created in
865 Section 26-36b-208.

866 [~~(c) The revenue described in Subsection (14)(b) that the Division of Finance transfers~~
867 ~~to the Division of Health Care Financing as dedicated credits shall be expended for the~~
868 ~~following uses:]~~

869 [~~(i) implementation of the Medicaid expansion described in Sections 26-18-3.1(4) and~~
870 ~~26-18-3.9(2)(b);]~~

871 [~~(ii) if revenue remains after the use specified in Subsection (14)(c)(i), other measures~~
872 ~~required by Section 26-18-3.9; and]~~

873 [~~(iii) if revenue remains after the uses specified in Subsections (14)(c)(i) and (ii), other~~
874 ~~measures described in Title 26, Chapter 18, Medical Assistance Act.]~~

875 Section 8. **Appropriation.**

876 The following sums of money are appropriated for the fiscal year beginning July 1,
877 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for
878 fiscal year 2020. The Legislature has reviewed the following expendable funds. The Legislature
879 authorized the State Division of Finance to transfer amounts between funds and accounts as
880 indicated. Outlays and expenditures from the funds or accounts to which the money is
881 transferred may be made without further legislative action, in accordance with statutory
882 provisions relating to the funds or accounts.

883 ITEM 1

884	<u>To Department of Health -- Medicaid Expansion Fund</u>	
885	<u>From General Fund, Ongoing</u>	<u>\$15,000,000</u>
886	<u>Schedule of Program:</u>	
887	<u>Medicaid Expansion Fund</u>	<u>\$15,000,000</u>

888 Section 9. **Effective date.**

889 If approved by two-thirds of all the members elected to each house, this bill takes effect
890 upon approval by the governor, or the day following the constitutional time limit of Utah
891 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
892 the date of veto override.