

**UTAH CHARITY CARE COMMISSION**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: J. Stuart Adams**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends the State Commissions and Councils Code to create a Utah Charity Care Commission.

**Highlighted Provisions:**

This bill:

- ▶ establishes the Utah Charity Care Commission as an advisory commission;
- ▶ creates the membership of the commission;
- ▶ establishes the duties of the commission;
- ▶ provides staffing for the commission;
- ▶ makes technical amendments; and
- ▶ sunsets the commission on December 1, 2017.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63I-1-263 (Effective 05/01/13)**, as last amended by Laws of Utah 2012, Chapters 126, 206, 347, 369, and 395

ENACTS:



- 28           **63C-14-101**, Utah Code Annotated 1953
- 29           **63C-14-102**, Utah Code Annotated 1953
- 30           **63C-14-103**, Utah Code Annotated 1953
- 31           **63C-14-104**, Utah Code Annotated 1953



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

34           Section 1. Section **63C-14-101** is enacted to read:

35                           **CHAPTER 14. UTAH CHARITY CARE COMMISSION ACT**

36           **63C-14-101. Title.**

37           This chapter is known as the "Utah Charity Care Commission Act."

38           Section 2. Section **63C-14-102** is enacted to read:

39           **63C-14-102. Utah Charity Care Commission -- Members -- Terms.**

40           (1) There is created a state advisory commission to be known as the Utah Charity Care  
41 Commission.

42           (2) (a) The Utah Charity Care Commission shall be composed of 15 members as  
43 follows:

44           (i) two members shall be appointed by the speaker of the House of Representatives  
45 from the House of Representatives, not more than one of whom may be from the same political  
46 party;

47           (ii) two members shall be appointed by the president of the Senate from the Senate, not  
48 more than one of whom may be from the same political party;

49           (iii) nine members shall be appointed by the governor, not more than six of whom may  
50 be from the same political party;

51           (iv) one representative from the Department of Health, appointed by the executive  
52 director of the Department of Health; and

53           (v) one representative of the Department of Workforce Services, appointed by the  
54 executive director of the Department of Workforce Services.

55           (b) The nine members appointed under Subsection (2)(a)(iii) shall be selected with  
56 consideration given to charity care practitioners, medical supply and product companies who  
57 provide charitable care, medical professionals, administrative and logistical experts in the  
58 health industry, community leaders, and representatives of varying geographic areas of the

59 state.

60 (3) The governor shall appoint a chairperson and the commission shall select other  
61 officers as needed.

62 (4) (a) If one of the members appointed by the speaker of the House of Representatives  
63 resigns, is unable to serve, or ceases to be a member of the House of Representatives, a  
64 vacancy occurs and it shall be filled by an appointment by the speaker of the House of  
65 Representatives.

66 (b) If one of the members appointed by the president of the Senate resigns, is unable to  
67 serve, or ceases to be a member of the Senate, a vacancy occurs and it shall be filled by an  
68 appointment by the president of the Senate.

69 (c) If one of the members appointed by the governor resigns or is unable to serve, the  
70 vacancy shall be filled by an appointment by the governor.

71 Section 3. Section **63C-14-103** is enacted to read:

72 **63C-14-103. Duties of commission.**

73 (1) The commission shall:

74 (a) identify medically under-served and needy populations and geographic areas of the  
75 state;

76 (b) identify barriers in the current health care delivery and payment models to  
77 promoting a comprehensive private partner charity care system for the state;

78 (c) identify medical malpractice laws that create barriers to a comprehensive charity  
79 care system;

80 (d) identify current resources available for medical care for medically under-served  
81 populations and medically underserved geographic areas in the state;

82 (e) prepare proposals to establish:

83 (i) wellness education;

84 (ii) personal responsibility for health care; and

85 (iii) a coordinated, statewide, private sector approach to universal, basic health care for  
86 Utah's medically under-served populations and geographic areas using private partners to affect  
87 cost savings and market efficiencies; and

88 (f) report to the Legislature's Health System Reform Task Force by November 1 of  
89 each year.

90           (2) The commission may prepare, publish, and distribute, from time to time, reports of  
91 its studies and recommendations.

92           (3) The commission may hold public hearings it considers advisable and in various  
93 locations within the state so that all interested persons who are citizens of this state may be  
94 afforded an opportunity to appear and present their views in respect to any subject relating to  
95 the work of the commission.

96           Section 4. Section **63C-14-104** is enacted to read:

97           **63C-14-104. Staff and expenses.**

98           (1) A member may not receive compensation or benefits for the member's service, but  
99 may receive per diem and travel expenses in accordance with:

100           (a) Section 63A-3-106;

101           (b) Section 63A-3-107; and

102           (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
103 63A-3-107.

104           (2) The commission shall use the Department of Health as staff and may use the  
105 services of the staff of other state agencies as it considers desirable or necessary.

106           (3) The commission sunsets in accordance with Section 63I-1-263.

107           Section 5. Section **63I-1-263 (Effective 05/01/13)** is amended to read:

108           **63I-1-263 (Effective 05/01/13). Repeal dates, Titles 63A to 63M.**

109           (1) Section 63A-4-204, authorizing the Risk Management Fund to provide coverage to  
110 any public school district which chooses to participate, is repealed July 1, 2016.

111           (2) Section 63A-5-603, State Facility Energy Efficiency Fund, is repealed July 1, 2016.

112           (3) Section 63C-8-106, rural residency training program, is repealed July 1, 2015.

113           (4) Title 63C, Chapter 13, Prison Relocation and Development Authority Act, is  
114 repealed July 1, 2014.

115           (5) Subsection 63G-6a-1402(7) authorizing certain transportation agencies to award a  
116 contract for a design-build transportation project in certain circumstances, is repealed July 1,  
117 2015.

118           (6) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,  
119 2020.

120           (7) The Resource Development Coordinating Committee, created in Section

121 63J-4-501, is repealed July 1, 2015.

122 (8) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.

123 (9) (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone Act, is  
124 repealed January 1, 2021.

125 (b) Subject to Subsection (9)(c), Sections 59-7-610 and 59-10-1007 regarding tax  
126 credits for certain persons in recycling market development zones, are repealed for taxable  
127 years beginning on or after January 1, 2021.

128 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

129 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or  
130 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

131 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if  
132 the expenditure is made on or after January 1, 2021.

133 (d) Notwithstanding Subsections (9)(b) and (c), a person may carry forward a tax credit  
134 in accordance with Section 59-7-610 or 59-10-1007 if:

135 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

136 (ii) (A) for the purchase price of machinery or equipment described in Section  
137 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,  
138 2020; or

139 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the  
140 expenditure is made on or before December 31, 2020.

141 (10) (a) Section 63M-1-2507, Health Care Compact is repealed on July 1, 2014.

142 (b) (i) The Legislature shall, before reauthorizing the Health Care Compact[~~-(A)-~~  
143 ~~direct the Health System Reform Task Force to evaluate the issues listed in Subsection~~  
144 ~~(10)(b)(ii), and by January 1, 2013 develop and recommend criteria for the Legislature to use to~~  
145 ~~negotiate the terms of the Health Care Compact; and (B)] and prior to July 1, 2014, seek  
146 amendments to the Health Care Compact among the member states that the Legislature  
147 determines are appropriate after considering the recommendations of the Health System  
148 Reform Task Force.~~

149 (ii) The Health System Reform Task Force shall evaluate and develop criteria for the  
150 Legislature regarding:

151 [~~(A) the impact of the Supreme Court ruling on the Affordable Care Act;~~]

152 ~~[(B) whether Utah is likely to be required to implement any part of the Affordable Care~~  
153 ~~Act prior to negotiating the compact with the federal government, such as Medicaid expansion~~  
154 ~~in 2014;]~~

155 [(C)] (A) whether the compact's current funding formula, based on adjusted 2010 state  
156 expenditures, is the best formula for Utah and other state compact members to use for  
157 establishing the block grants from the federal government;

158 [(D)] (B) whether the compact's calculation of current year inflation adjustment factor,  
159 without consideration of the regional medical inflation rate in the current year, is adequate to  
160 protect the state from increased costs associated with administering a state based Medicaid and  
161 a state based Medicare program;

162 [(E)] (C) whether the state has the flexibility it needs under the compact to implement  
163 and fund state based initiatives, or whether the compact requires uniformity across member  
164 states that does not benefit Utah;

165 [(F)] (D) whether the state has the option under the compact to refuse to take over the  
166 federal Medicare program;

167 ~~[(G) whether a state based Medicare program would provide better benefits to the~~  
168 ~~elderly and disabled citizens of the state than a federally run Medicare program;]~~

169 ~~[(H) whether the state has the infrastructure necessary to implement and administer a~~  
170 ~~better state based Medicare program;]~~

171 [(I)] (E) whether the compact appropriately delegates policy decisions between the  
172 legislative and executive branches of government regarding the development and  
173 implementation of the compact with other states and the federal government; and

174 [(J)] (F) the impact on public health activities, including communicable disease  
175 surveillance and epidemiology.

176 (11) The Crime Victim Reparations and Assistance Board, created in Section  
177 63M-7-504, is repealed July 1, 2017.

178 (12) Title 63M, Chapter 9, Families, Agencies, and Communities Together for  
179 Children and Youth At Risk Act, is repealed July 1, 2016.

180 (13) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2017.

181 (14) Title 63C, Chapter 14, "Utah Charity Care Commission Act" is repealed  
182 December 1, 2017.

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**Legislative Review Note**  
as of 2-13-13 10:37 AM

**Office of Legislative Research and General Counsel**