

Utah lawmakers extend Medicaid to state's poorest, stymie medical marijuana plan

By Lisa Riley Roche AND Dennis Romboy

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SALT LAKE CITY — The Legislature finally reached agreement on Medicaid expansion, one of last year's most contentious issues, voting in the final days of the 2016 session to extend the federal assistance program to the "poorest of the poor."

HB437, from House Majority Leader Jim Dunnigan, R-Taylorsville, passed the Legislature with little drama, supported by community, business and political leaders, including the Democratic mayors of Salt Lake City and Salt Lake County.

Democratic lawmakers, however, said the bill extending traditional Medicaid to some 16,000 Utahns who are homeless, in the criminal justice system, or have substance abuse or mental health issues, didn't go far enough.

Minority party members unsuccessfully pushed for the state to accept the full Medicaid expansion available under President Barack Obama's signature health care law to cover more than 100,000 Utahns and have vowed to continue the fight.

Gov. Gary Herbert said Thursday he will sign the bill.

"I'm grateful that we're getting something. I'm grateful we have something on the table that is acceptable to everybody, and we'll build on that," Herbert said. "I hope that's not where we end, but I'm glad we're starting. So let's see what plays out."

The governor said how much more the state will be able to do in the future for Utahns in the so-called coverage gap, who earn below the federal poverty level but don't qualify for federal health care subsidies, depends on Washington.

"The variables out there are who's going to be in the White House and what happens with Congress and the Affordable Care Act" after the 2016 elections, Herbert said. "What I hope happens is we'll be given as a state more flexibility."

Medicaid was far from the only tough issue lawmakers tackled during the 45-day session that ended at midnight Thursday. But supporters of repealing the death penalty and expanding the scope of hate crimes weren't able to muster enough votes.

Efforts to legalize medical marijuana also faltered in the final hours of the session, while a bill that would require a woman to receive anesthesia for her fetus during any abortions after 20 weeks of gestation won approval.

The Church of Jesus Christ of Latter-day Saints made public statements on two issues during the session. It questioned a more comprehensive medical marijuana bill from Sen. Mark Madsen, R-Saratoga Springs, but had no objections to a go-slow approach offered by Sen. Evan Vickers, R-Cedar City.

The church also voiced concern about legislation on either end of the political spectrum that could upset the compromise lawmakers reached in 2015 to safeguard religious liberty and nondiscrimination in the workplace and housing.

Sen. Steve Urquhart, R-St. George, and the LGBT community blamed that position for killing a controversial proposal to strengthen Utah's hate crimes law by including sexual orientation, gender identity and other categories of people.

Other big issues had big price tags. Lawmakers set aside \$4.5 million toward taking the federal government to court over control of public lands in Utah, part of a more than \$15.1 billion budget that also gives state workers a 2 percent pay raise.

The Legislature made what advocates say was a "historic" investment in housing, shelters and services for Utahns experiencing homelessness.

HB436 appropriates \$9.25 million in state and federal funds for the Housing and Homeless Reform Initiative, the first installment of a proposed \$27 million, three-year funding plan. The bill passed both houses by a wide margin.

And in a year that saw state revenue estimates adjusted downward because of slower than anticipated growth, the Legislature still managed to come up with about \$20 million more for schools than the governor requested.

Lawmakers settled on giving \$445 million in new money to K-12 and higher education. The new funding includes almost \$91 million to accommodate some 9,700 additional students expected to enter Utah's public schools this fall. It also includes about \$80 million — a 3 percent increase — for the weighted pupil unit, Utah's system for per-pupil funding distribution.

The Legislature also approved several resolutions, including urging Congress make cannabis a schedule II drug so its medical benefits could be studied; repealing the 17th Amendment establishing the direct election of U.S. senators; and declaring pornography a public health crisis in Utah.

The governor was complimentary of lawmakers' actions this session, especially given the pressures they face when "everybody comes asking for more — and it usually has to do with money. ... It's hard for them to hear all the noise out there."

Senate President Wayne Niederhauser, R-Sandy, said lawmakers came up with a "really good" budget this year, noting they were able to fund an expanded state Medicaid program.

"That's progress," he said. "Maybe there's more progress to be made."

Niederhauser said he was content to let the House drive the Medicaid legislation because the Senate had already shown a propensity for even broader health coverage for needy Utahns.

"It was best to start there to see what they could actually agree to," he said of House members. Last year's battle over Herbert's Healthy Utah plan to use Medicaid expansion pitted the governor and the Senate against the House.

House Speaker Greg Hughes, R-Draper, said he was "very proud" the House agreed with a statement he made in his opening-day speech, that "doing nothing was not an option. I believe that we have done something very important."

Dunnigan said it was "extraordinarily difficult" even to go as far as his plan does, given the weariness of many of his fellow Republicans. Many, he said, told him, "we want to take a year off" and wait for a new president.

The majority leader said he was able to win them over by putting together a coalition of supporters and coming up with ways to control costs, including limiting coverage only to the most needy, primarily the chronically homeless.

While Democrats in the Legislature were frustrated the state was rejecting some \$530 million available to cover 90,000 more Utahns, both Salt Lake County Mayor Ben McAdams and Salt Lake City Mayor Jackie Biskupski backed Dunnigan's plan.

McAdams, a former state senator, cited the political reality of what the GOP-controlled House would accept and said he had a "moral obligation" to take what he called "a lifeline to a population that desperately needs help."

Dunnigan's plan has a \$100 million price tag, but the federal government and Utah hospitals, which expected to see a significant decline in uncompensated care, will pay all but \$15 million of the cost. For Bill Tibbitts, associate director of the Crossroads Urban Center, the bill will make a huge difference in the lives of the people served by one of the state's busiest food pantries.

Tibbitts, who said the center deals with people who regularly have to choose between paying for health care or food and shelter, told lawmakers how disappointing it was to see them left without health care last session.

After the governor and GOP legislative leaders couldn't find an acceptable alternative last fall, Tibbitts said the question became, "How can we get people to stop arguing about what they disagree about and move toward finding common ground?"

Senate Minority Leader Gene Davis, D-Salt Lake City, who sponsored a full Medicaid expansion bill that passed a Senate committee but got no further, pledged to keep pushing for the plan.

"It just doesn't do what we could be doing in the state of Utah," Davis said during a news conference Wednesday at the Capitol, standing alongside other Democratic legislative leaders. "Too many people are left behind."

Despite his frustration over the lack of action on his Medicaid expansion bill, Davis said there was plenty accomplished this session.

"We've done a lot of heavy lifting on a lot of heavy issues," he said.

Contributing: Morgan Jacobsen, Marjorie Cortez

Email: lisa@deseretnews.com

Twitter: DNewsPolitics