

**MINUTES OF THE
RETIREMENT AND INDEPENDENT ENTITIES INTERIM COMMITTEE**
Wednesday, August 15, 2012 – 7:30 a.m. – Room 30 House Building

Members Present:

Sen. Todd D. Weiler, Senate Chair
Rep. Don L. Ipson, House Chair
Sen. Curtis S. Bramble
Sen. Karen Mayne
Sen. Stuart C. Reid
Sen. Luz Robles
Rep. Susan Duckworth
Rep. Gage H. Froerer
Rep. Lynn N. Hemingway
Rep. Bradley G. Last
Rep. Merlynn T. Newbold
Rep. Mark A. Wheatley

Members Absent:

Sen. Daniel W. Thatcher
Rep. Bradley M. Daw
Rep. Wayne A. Harper

Staff Present:

Mr. Benjamin N. Christensen, Policy Analyst
Ms. Shannon C. Halverson, Associate General
Counsel
Mr. Peter Asplund, Associate General
Counsel
Ms. Catherine J. Dupont, Associate General
Counsel
Ms. Debra Hale, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Call to Order

Chair Weiler called the meeting to order at 7:37 a.m.

MOTION: Sen. Reid moved to approve the minutes of the October 29, 2011, and November 16, 2011, meetings. The motion passed unanimously. Sen. Robles was absent for the vote.

2. Retirement Eligibility -- Termination of Employment

Mr. Christensen distributed handouts entitled "Utah Post-Retirement Employment Restrictions" and 2013 General Session draft legislation "Retirement Amendments" (2013FL-0009/005) for committee review.

Mr. Daniel D. Andersen, Legal Counsel, Utah Retirement Systems (URS), briefed the committee on URS's requirement that, in order to be eligible to retire, an employee must discontinue employment with all URS-participating employers. He stated that the restriction requires ending employment unrelated to the job from which the employee is retiring, including a position as a part-time appointed board member or a part-time elected official.

Mr. Andersen continued by explaining that the URS Board, in order to assist those this year who have run into this type of situation, has adopted a couple of resolutions to address this issue, stating that elected officials and part-time board members do not have to retire. He added that the board believes it is more appropriate, however, to have the Legislature make this policy decision in statute, which is the background of what this draft legislation would accomplish.

MOTION: Sen. Bramble moved to pass 2013 General Session draft legislation "Retirement Amendments" (2013FL-0009-005) out as a committee bill. The motion passed unanimously.

3. Independent Entities Study

Mr. Asplund referred to the booklet "A Guide to Utah's Independent Entities," which was attached to this meeting's mailing packet, and reviewed the legal status of the state's current independent entities.

Ms. Rachel Stuart, Research Assistant, Office of Legislative Research and General Counsel, explained that the guide booklet inventories and provides information on the state's independent entities and their purposes, governing boards, and contact information.

4. Public Employees Health Program (PEHP) Updates

Mr. R. Chet Loftis, Group Insurance Director, PEHP, provided a visual presentation, which updated the committee on 2012 General Session H.B. 437, "Public Employee Health Care Benefits." Mr. Loftis explained PEHP's Active Enrollment program, in which state employees were provided with web-based education, webinars, benefit fairs, online enrollment, emails, a benefit booklet, an HSA comparison letter, etc., to give them a chance to look at their options and remain with their current plans or change to different ones.

Mr. Loftis then referred to 2012 General Session H.B. 46, "Electronic Personal Medical Records," and described the Clinical Health Information Exchange (cHIE), which allows providers and payers, particularly in emergency situations, the ability to receive health records (as authorized by the Health Insurance Portability and Accountability Act (HIPAA)), by electronic transfer. He added that an employee can go online and choose or opt out of the program at any time.

Mr. Loftis continued with 2012 General Session H.B. 272, "Pilot Program for Coverage for Autism Spectrum Disorders," which creates a pilot program for autism spectrum disorders services in the 1) Medicaid program; 2) for the private sector, non-Medicaid population through the Autism Treatment Account; and 3) for certain children of state employees through the Public Employees' Benefit and Insurance Program Act.

Finally, Mr. Loftis referred to the financial impact of the U.S. Supreme Court ruling upholding provisions of the federal Patient Protection and Affordable Care Act. He stated that the case ruled that the individual mandate is constitutional under the government's taxing power; however, the court also held that Medicaid expansion was an unconstitutional burden, without a state's consent; and all other provisions of the act were upheld.

5. Heber Valley Historic Railroad Authority -- Request

Mr. Mark Nelson, General Manager, Heber Valley Historic Railroad Authority, reviewed a visual presentation describing the Heber Valley Railroad. He informed the committee that the organization is an independent state agency responsible for operating and maintaining a scenic and historic railroad in Heber Valley. He reviewed the Heber Valley Railroad's assets, challenges, and planned improvements.

6. Other Items / Adjourn

MOTION: Rep. Ipson moved to adjourn the meeting. The motion passed unanimously.

Chair Weiler adjourned the meeting at 8:41 a.m.