

**MINUTES OF THE
HOUSE RETIREMENT AND INDEPENDENT ENTITIES STANDING COMMITTEE
Room 20, House Building
February 6, 2013**

Members Present: Rep. Kraig Powell, Chair
Rep. Merrill Nelson, Vice Chair
Rep. Jack Draxler
Rep. Susan Duckworth
Rep. Steve Eliason
Rep. Gage Froerer
Rep. Lynn Hemingway
Rep. Brad Last
Rep. Carol Spackman Moss

Staff Present: Mr. Benjamin N. Christensen, Policy Analyst
Ms. Sylvia Newton, Committee Secretary

Note: A list of visitors and a copy of handouts are filed with the committee minutes.

Chair Powell called the meeting to order at 12:56 p.m.

S.B. 10 Retirement Eligibility Amendments (*Sen. T. Weiler*)

Rep. Ipson introduced the bill to the committee, assisted by Mr. Dan Andersen, Utah Retirement System.

MOTION: Rep. Last moved to pass S.B. 10 out favorably. The motion passed unanimously with Rep. Froerer absent for the vote.

S.B. 16 Health Insurance Coverage Restrictions on Retired Governors and Legislators (*Sen. T. Weiler*)

Rep. Ipson introduced the bill to the committee, assisted by Mr. Dan Andersen, Utah Retirement System.

MOTION: Rep. Nelson moved to pass S.B. 16 out favorably. The motion passed unanimously with Rep. Froerer absent for the vote.

S.B. 26 Risk Management for Independent Entities (*Sen. T. Weiler*)

Rep. Ipson introduced the bill to the committee, assisted by Ms. Tani Downing, Executive Director, Utah State Risk Management.

MOTION: Rep. Duckworth moved to pass S.B. 26 out favorably. The motion passed unanimously.

H.B. 30 Line-of-duty Death and Disability Amendments (Rep. R. Menlove)

MOTION: Rep. Froerer moved to amend the bill as follows:

1. *Page 3, Lines 83 through 86:*

83 (b) "Line-of-duty death" does not include a death that:
84 (i) occurs during an activity that is required as an act of duty as a public safety
service
85 employee if the activity is not a strenuous activity, including an activity that is
clerical, administrative, or
86 of a nonmanual nature;

2. *Page 4, Lines 106 through 109:*

106 who performs public safety service under this chapter. =
(7) (a) "Strenuous activity" means engagement involving a difficult, stressful, or
vigorous fire suppression, rescue, hazardous material response, emergency
medical service, physical law enforcement, prison security, disaster relief, or
other emergency response activity.
(b) "Strenuous activity" includes participating in a participating employer
sanctioned and funded training exercise that involves difficult, stressful, or
vigorous physical activity.

107 {~~(7)~~} (8) "System" means the Public Safety Contributory Retirement
System created under
108 this chapter.

109 {~~(8)~~} (9) "Years of service credit" means the number of periods, each to
consist of 12 full

3. *Page 6, Lines 153 through 156:*

153 (b) "Line-of-duty death" does not include a death that:
154 (i) occurs during an activity that is required as an act of duty as a public safety
service

155 employee if the activity is not **a** strenuous **activity** , including an activity that is
156 clerical, administrative, or
of a nonmanual nature;

4. *Page 6, Lines 174 through 177:*

174 who performs public safety service under this chapter. =

(7) (a) "Strenuous activity" means engagement involving a difficult, stressful, or vigorous fire suppression, rescue, hazardous material response, emergency medical service, physical law enforcement, prison security, disaster relief, or other emergency response activity.

(b) "Strenuous activity" includes participating in a participating employer sanctioned and funded training exercise that involves difficult, stressful, or vigorous physical activity.

175 {~~(7)~~} **(8)** "System" means the Public Safety Noncontributory Retirement
System created
176 under this chapter.

177 {~~(8)~~} **(9)** "Years of service credit" means the number of periods, each to
consist of 12 full

5. *Page 9, Lines 246 through 248:*

246 (i) occurs during an activity that is required as an act of duty as a firefighter service
247 employee if the activity is not **a** strenuous **activity** , including an activity that is
clerical, administrative, or
248 of a nonmanual nature;

6. *Page 9, Lines 260 through 262:*

260 employment per year. =

(9) (a) "Strenuous activity" means engagement involving a difficult, stressful, or vigorous fire suppression, rescue, hazardous material response, emergency medical service, physical law enforcement, prison security, disaster relief, or other emergency response activity.

(b) "Strenuous activity" includes participating in a participating employer sanctioned and funded training exercise that involves difficult, stressful, or vigorous physical activity.

261 ~~{(9)}~~ (10) "System" means the Firefighters' Retirement System created
 under this chapter.
262 ~~{(10)}~~ (11) (a) "Volunteer firefighter" means any individual that is not
 regularly employed as

7. *Page 9, Lines 268 through 269:*

268 (b) An individual that volunteers assistance but does not meet the requirements of
269 Subsection ~~{(10)}~~ (11) (a) is not a volunteer firefighter for purposes of this
 chapter.

8. *Page 10, Lines 303 through 305:*

303 (A) occurs during an activity that is required as an act of duty as an employee if the
304 activity is not a strenuous activity, including an activity that is clerical,
 administrative, or of a nonmanual
305 nature contributes to the employee's death;

9. *Page 11, Line 309:*

309 (D) occurs in a manner other than as described in Subsection (1)(b)(i).
 (c) (i) "Strenuous activity" means engagement involving a difficult, stressful,
 or vigorous fire suppression, rescue, hazardous material response,
 emergency medical service, physical law enforcement, prison security,
 disaster relief, or other emergency response activity.
 (ii) "Strenuous activity" includes participating in a participating employer
 sanctioned and funded training exercise that involves difficult, stressful, or
 vigorous physical activity.

10. *Page 13, Lines 382 through 384:*

382 (i) occurs during an activity that is required as an act of duty as a public safety
 service
383 or firefighter service employee if the activity is not a strenuous activity, including
 an activity that is
384 clerical, administrative, or of a nonmanual nature;

11. *Page 14, Lines 406 through 409:*

406 employer who performs public safety service under this chapter. =

(10) (a) "Strenuous activity" means engagement involving a difficult, stressful, or vigorous fire suppression, rescue, hazardous material response, emergency medical service, physical law enforcement, prison security, disaster relief, or other emergency response activity.

(b) "Strenuous activity" includes participating in a participating employer sanctioned and funded training exercise that involves difficult, stressful, or vigorous physical activity.

407 [~~9~~] {~~(10)~~} (11) "System" means the New Public Safety and Firefighter
Tier II Contributory

408 Retirement System created under this chapter.

409 [~~(10)~~] {~~(11)~~} (12) (a) "Volunteer firefighter" means any individual that is
not regularly

12. Page 14, Lines 415 through 417:

415 (b) An individual that volunteers assistance but does not meet the requirements of

416 Subsection [~~(10)~~] {~~(11)~~} (12) (a) is not a volunteer firefighter for purposes of this
chapter.

417 [~~(11)~~] {~~(12)~~} (13) "Years of service credit" means:

13. Page 15, Lines 442 through 444:

442 (c) Each volunteer fire department shall maintain a current roll of all volunteer

443 firefighters which meet the requirements of Subsection

49-23-102[~~(10)~~] {~~(11)~~} (12) to determine the

444 eligibility for this benefit.

Rep. Menlove explained the amendment to the committee.

The motion to amend the bill passed unanimously

Chair Powell relinquished the chair to Vice Chair Nelson.

Rep. Menlove introduced the amended bill to the committee, assisted by Mr. Coy Porter, State Fire Marshall.

Spoke in favor of the bill: Mr. Lance Davenport, Commissioner of Law Enforcement,
Department of Public Safety

Chair Powell resumed the chair.

Spoke in favor of the bill: Mr. Marty Peterson, Firefighters Pension Membership Council
 Mr. Frank Budd, Utah Chiefs of Police
 Mr. Kelly Atkinson, Fraternal Order of Police
 Mr. Coy Porter, State Fire Marshall

MOTION: Rep. Moss moved to pass H.B. 30 as amended out favorably. The motion passed unanimously.

H.B. 255 Classified School Employee Amendments (*Rep. B. Last*)

Rep. Last introduced the bill to the committee.

Chair Powell relinquished the chair to Vice Chair Nelson.

Spoke to the bill: Mr. Geoff Leonard, Utah School Employees Association
 Mr. Mike Fraser, Assistant Superintendent, Granite School District

MOTION: Rep. Eliason moved to pass H.B. 255 out favorably. The motion passed with Rep. Duckworth, Rep. Hemingway, and Rep. Moss voting in opposition to the motion. and Rep. Powell absent for the vote.

MOTION: Rep. Duckworth moved to adjourn the meeting. The motion passed unanimously with Rep. Powell absent for the vote.

Vice Chair Nelson adjourned the meeting at 2:10 p.m.

Rep. Kraig Powell, Chair