

**MINUTES OF THE SENATE BUSINESS & LABOR  
STANDING COMMITTEE  
MONDAY, FEBRUARY 21, 2005, 4:00 P.M.  
ROOM W015, WEST OFFICE BUILDING  
STATE CAPITOL COMPLEX**

Members Present: Sen. Scott K. Jenkins, Chair  
Sen. Gene Davis  
Sen. Thomas V. Hatch  
Sen. Parley G. Hellewell  
Sen. John W. Hickman  
Sen. Sheldon L. Killpack  
Sen. L. Alma Mansell  
Sen. Ed Mayne  
Sen. Michael Waddoups

Staff Present: Mark Steinagel, Policy Analyst  
Karen Allred, Committee Secretary

Public Speakers Present: Thomas W. Peters, Attorney, State Association of Prosecutors  
Suzanne Smith, midwife  
Elizabeth Camp-Smith, midwife  
Cathy O'Bryant, midwife  
Kevin George, father of children delivered by a midwife  
Rebecca McInnes, Certified Midwife  
Howard Nielson, former senator  
Holly Richardson, Legislative Chair, Utah Midwives' Association  
Heather Johnston, President, Utah Midwives' Association  
Terry Melendez, M. D., OB/GYN  
Stephen Lamb, M. D., OB/GYN  
Donna Murphy, Utah Nurses Association  
Lynn Nicholas, mother of midwife patient  
Allen Christensen, D.D.S.  
Cyndee Holland, traditional midwife  
Catherine Wheeler, President-Elect, Utah Medical Association  
Laura Poe, Division of Occupational and Professional Licensing  
George Sutton, Attorney, Utah Bankers Association and Association of Financial Services

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

Committee Chair Scott K. Jenkins called the meeting to order at 4:08 p.m.

**MOTION:** Sen. Killpack moved to approve the minutes of February 18, 2005.

The motion passed unanimously with Sen. Hatch, Sen. Hellewell, Sen. Hickman, Sen. Waddoups and Sen. Davis absent for the vote.

**1. S.B. 62 Personal Property Transactions Amendments (M. Waddoups)**

Sen. Mayne explained the bill assisted by Thomas W. Peters, Attorney, State Association of Prosecutors.

**MOTION:** Sen. Killpack moved to pass the bill out favorably.

The motion passed unanimously with Sen. Hatch, Sen. Hellewell, Sen. Hickman, Sen. Waddoups and Sen. Davis absent for the vote.

**2. H.B. 25 Direct-entry Midwife Act (J. Biskupski)**

Rep. Biskupski explained the bill assisted by Suzanne Smith, midwife, and Elizabeth Camp-Smith, midwife.

Speaking in support of the bill were: Cathy O'Bryant, midwife; Kevin George, father of children delivered by a midwife; Rebecca McInnes, certified midwife; Howard Nielson, former senator; Holly Richardson, Legislative Chair, Utah Midwives' Association; and Heather Johnston, President, Utah Midwives' Association.

Speaking in opposition to the bill were: Terry Melendez, M.D., OB/GYN; Stephen Lamb, M.D., OB/GYN; Donna Murphy, Utah Nurses Association; Lynn Nicholas, mother of midwife patient; Allen Christensen, D.D.S.; and Cyndee Holland, traditional midwife.

Catherine Wheeler, President-Elect, Utah Medical Association; Suzanne Smith, midwife; and Laura Poe, Division of Occupational and Professional Licensing, answered questions from the committee.

**MOTION:** Sen. Hellewell moved to pass the bill out favorably.

The motion passed with Sen. Jenkins, Sen. Hellewell, Sen. Killpack, Sen. Mansell, Sen. Waddoups, Sen. Davis and Sen. Mayne voting in favor of the bill and Sen. Hatch and Sen. Hickman voting in opposition.

3. **S.B. 233 Blacklisting Amendments** (A. Christensen)

**MOTION:** Sen. Mansell moved to adopt **1st Sub. S.B. 233**.

The motion passed unanimously with Sen. Hatch absent for the vote.

Sen. Christensen, D.D.S., explained the bill.

**MOTION:** Sen. Mayne moved to go to the next item on today's agenda, and place **1st Sub. S.B. 233** at the top of the next agenda.

The motion passed unanimously with Sen. Hatch, Sen. Hickman and Sen. Davis absent for the vote.

4. **H.B. 121 Property Exempt from Execution** (J. Dunnigan)

The following amendments were distributed:

1. *Page 2, Line 34 through Page 4, Line 104:*

34 78-23-5. Property exempt from execution.

35 (1) (a) An individual is entitled to exemption of the following property:

\* \* \* *Some lines not shown* \* \* \*

76 (xi) ~~H→ [\$250,000 of]~~ ←H the proceeds or benefits of any life insurance contracts

76a or policies paid

77 or payable to the debtor upon the death of the spouse or { ~~H→ dependent~~ ←H }

children of the debtor 77a H→ [~~provided that~~

78 the contract or policy has been owned by the debtor for a continuous unexpired period of  
two

79 years] ←H ;

80 (xii) ~~H→ [\$250,000 of]~~ ←H the proceeds or benefits of any life insurance contracts

80a or policies

81 paid or payable to the spouse or { ~~H→ dependent~~ ←H } children of the debtor

upon the death of the

81a debtor H→ [~~provided~~

82 that the contract or policy has been in existence for a continuous unexpired period of two  
years] ←H ;

83            (xiii) proceeds and avails of any unmatured life insurance contracts owned by the  
84 debtor {, except:  
85 — (A) amounts assigned or pledged as collateral incident to a valid contract; or  
86 — (B) any payments made on a contract during the 24 months immediately  
87 preceding a  
creditor's levy or execution} :

\* \* \* *Some lines not shown* \* \* \*

(2) The exemptions in Subsections (1)(xi), (xii), and (xiii) do not apply to  
proceeds and avails of any matured or unmatured life insurance contract assigned  
or pledged as collateral for repayment of a loan or other legal obligation.

103            ~~{(2)}~~ (3) Exemptions under this section do not limit items [~~which~~] that  
may be claimed as  
104 exempt under Section 78-23-8.

**MOTION:** Sen. Waddoups moved to adopt the amendments.

The motion passed unanimously with Sen. Hatch, Sen. Hickman and Sen. Davis absent for the vote.

Sen. Waddoups proposed the following amendments:

1. *Page 3, Lines 66 through 68*  
*House Floor Amendments*  
*2-16-2005:*

66            [~~(viii) works of art~~]  
67            (ix) except for works ~~{-or-}~~ of art held by the debtor as part of a trade or  
business, works of  
68 art:

**MOTION:** Sen. Waddoups moved to adopt the amendments.

The motion passed unanimously with Sen. Hatch, Sen. Hickman and Sen. Davis absent for the vote.

Rep. Dunnigan explained the bill.

George Sutton, Attorney, Utah Bankers Association, and Association of Financial Services, spoke in support of the bill.

**MOTION:** Sen. Waddoups moved to pass the bill out favorably as amended.

The motion passed unanimously with Sen. Hatch, Sen. Hickman, Sen. Killpack and Sen. Davis absent for the vote.

**MOTION:** Sen. Waddoups moved to adjourn.

The motion passed unanimously with Sen. Hatch, Sen. Hickman, Sen. Killpack and Sen. Davis absent for the vote.

The meeting adjourned at 5:55 p.m.

---

Sen. Scott K. Jenkins, Chair