

**MINUTES OF THE HOUSE BUSINESS AND LABOR  
STANDING COMMITTEE**

Room 450, State Capitol, Utah State Capitol Complex  
February 20, 2009

**Members Present:** Rep. Jim Dunnigan, Chair  
Rep. Patrick Painter, Vice Chair  
Rep. Jackie Biskupski  
Rep. Stephen Clark  
Rep. Susan Duckworth  
Rep. Gage Froerer  
Rep. Francis Gibson  
Rep. Neil Hansen  
Rep. Brian King  
Rep. Todd Kiser  
Rep. Michael Morley  
Rep. Brent Wallis  
Rep. Curt Webb

**Members Absent:** Rep. Kevin Garn

**Staff Present:** Allison Nicholson, Policy Analyst  
Linda Error, Committee Secretary

**Note:** List of visitors and a copy of handouts are filed with committee minutes.

Rep. Painter called the meeting to order at 8:10 a.m.

**MOTION:** Rep. Webb moved to approve the minutes of the February 17, 2009 meeting. The motion passed unanimously, with Rep. Clark, Rep. Duckworth, Rep. Gibson, Rep. Hansen, Rep. Morley, and Rep. Wallis absent for the vote.

**H.B. 313 Social Host Liability Act (*Rep. E. Hutchings*)**

Rep. Hutchings presented the bill to the committee.

Spoke for the bill: Liz Zentner, Utah PTA  
Jaynie Brown, MADD of Utah (handout)

**MOTION:** Rep. Webb moved to pass the bill out favorably. The motion passed unanimously, with Rep. Gibson absent for the vote.

**H.B. 195 Utah Uniform Probate Code - Trust Amendments (*Rep. R. Lockhart*)**

Rep. Lockhart presented the bill to the committee with the assistance of Kelvin Anderson, and John Conklin, Optum Health Bank.

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

1. *Page 1, Lines 13 through 15:*

13 This bill:

14 ▶ expands the definition of "trust" in the Uniform Probate Code to include health  
15 savings accounts as defined by the Internal Revenue Code **; and**

**▶ clarifies when a health savings account is established in relation to the  
account holder's federal income tax year** .

2. *Page 1, Line 22:*

22 75-1-201, as last amended by Laws of Utah 2004, Chapter 89

= **75-7-401, as repealed and reenacted by Laws of Utah 2004, Chapter 89**

3. *Page 7, Lines 205 through 206:*

205 the right of an individual or class to succeed to property of the decedent passing by  
intestate

206 succession.

= **Section 2. Section 75-7-401 is amended to read:**

**75-7-401. Methods of creating trust.**

**(1)** A trust may be created by:

~~{(1)}~~ **(a)** transfer of property to another person as trustee during the settlor's  
lifetime or by will or other disposition taking effect upon the settlor's death;

~~{(2)}~~ **(b)** declaration by the owner of property that the owner holds  
identifiable property as trustee; or

~~{(3)}~~ **(c)** exercise of a power of appointment in favor of a trustee.

= **(2) A health savings account is established on the first day an individual is  
covered by a high deductible health plan, as defined in Section 223 of the Internal  
Revenue Code. The health savings account shall be opened with a trustee or  
custodian within the time prescribed by law, without extensions, for filing a federal  
income tax return for that year. A health savings account is established regardless of  
a transfer of cash or other property to the account and, unless required by the trustee  
or custodian, it is not necessary for any party to sign a health savings account trust or  
custodial agreement regarding the health savings account.**

The motion to amend passed unanimously, with Rep. Froerer and Rep. Gibson absent for the vote.

MOTION: Rep. Dunnigan moved to pass the bill out favorably. The motion passed unanimously, with Rep. Froerer and Rep. Gibson absent for the vote.

**1st Sub. S.B. 107 Communications Fraud Penalty Amendments (*Sen. D. Hinkins*)**

Sen. Hinkins presented the bill to the committee with the assistance of Pat Nolan, Office of the Attorney General. (handout)

MOTION: Rep. King moved to pass the bill out favorably. The motion passed unanimously, with Rep. Biskupsi and Rep. Froerer absent for the vote.

MOTION: Rep. Morley moved to place 1st Substitute H.B. 107 on the Consent Calendar. The motion passed unanimously, with Rep. Biskupski and Rep. Froerer absent for the vote.

**H.B. 107 Economic Impact of Illegal Aliens (*Rep. S. Clark*)**

Rep. Clark presented the bill to the committee.

MOTION: Rep. Clark moved to adopt 1st Substitute H.B. 107. The motion passed unanimously, with Rep. Froerer absent for the vote.

Spoke for the bill: Sheila Walsh-McDonald, Community Action Program

Spoke against the bill: Ron Mortensen, Citizen Coalition on Illegal Immigration  
Eli Cawley, Utah Minuteman Project

Spoke to the bill: Michael Sanchez, citizen

MOTION: Rep. King moved to pass the bill out favorably. The motion passed, with Rep. Froerer, Rep. Gibson, Rep. Kiser, and Rep. Morley voting in opposition. Rep. Hansen was absent for the vote.

MOTION: Rep. Wallis moved to adjourn the meeting. The motion passed unanimously, with Rep. Hansen absent for the vote.

Rep. Painter adjourned the meeting at 9:35 a.m.