

MINUTES OF THE  
SENATE EDUCATION STANDING COMMITTEE  
FRIDAY, FEBRUARY 20, 2004  
ROOM 131, STATE CAPITOL BUILDING

Members Present: Sen. David L. Gladwell, Acting Committee Chair  
Sen. Patrice M. Arent  
Sen. D. Chris Buttars  
Sen. Karen Hale  
Sen. Sheldon L. Killpack  
Sen. Howard A. Stephenson  
Sen. John L. Valentine

Member Excused: Sen. Bill Wright

Staff Present: Constance C. Steffen, Policy Analyst  
Nedra Duzett, Secretary

Public Speakers Present: Edward Havas, Utah Trial Lawyers Association  
Kevin Olsen, Asst. Attorney General  
Rhonda Rose, Utah PTA  
Susan Kusiak, Utah Education Association  
Linda Hilton, Crossroads Urban Center  
Sarah Meier, Utah School Boards Association  
Laura Oscarson Wilde, Utah State Office of Education

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

Acting Committee Chair Gladwell called the meeting to order at 8:15 a.m.

**MOTION:** Sen. Arent moved to approve the minutes of February 16, 2004.

The motion passed with Sens. Hale, Killpack, and Stephenson absent for the vote.

1. S.B. 172 Education Articulation Legislative Task Force (*S. Jenkins*)

Sen. Jenkins said the bill creates a task force to study issues relating to coordinating course content between public and higher education systems so that high school students are better prepared for college.

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

The motion passed unanimously with Sens. Hale, Killpack, and Stephenson absent for the vote.

2. S.B. 201 Punitive Damages Amendments (L. Hillyard)

Sen. Hillyard said the bill makes changes concerning the division of punitive damage awards.

Kevin Olsen, Asst. Attorney General, assisted in the presentation of the bill.

**MOTION:** Sen Valentine moved to amend the bill as follows:

1. *Page 2, Lines 44 through 51:*

44 (3) (a) In any ~~[[ judgment ]]~~ case where punitive damages are awarded [and  
45 paid], the judgment shall providethat 50% of the  
46 amount of the punitive damages in excess of \$20,000 shall, ~~[[ by order of the trial~~  
47 court ]] after an  
48 allowable deduction for the payment of attorneys' fees and costs, be remitted by the  
49 judgment  
50 debtor to the state treasurer for deposit into the General Fund.

48 (b) For the purposes of this Subsection (3), an "allowable deduction for the payment  
49 of  
50 attorneys' fees and costs" shall equal the amount of actual and reasonable attorneys' fees  
51 and  
52 costs incurred by the judgment creditor ~~[[ , as determined by an order of the court, ]]~~  
53 minus the  
54 amount of any separate judgment awarding attorneys' fees and costs to the judgment  
55 creditor.

2. *Page 2, Line 55 through Page 3, Line 62:*

55 (d) Unless all affected parties, including the state, expressly agree otherwise or the  
56 application is contrary to the terms of the judgment, any payment on the judgment by or  
57 on  
58 behalf of any judgment debtor, whether voluntary or by execution or otherwise, shall be  
59 applied in the following order:

59 (i) compensatory damages , and any applicable attorneys fees and costs ;

- 60            ~~[(ii) applicable attorney fees and costs;]~~  
61            ~~[(iii)]~~    (ii)    the initial \$20,000 punitive damages; and finally  
62            ~~[(iv)]~~    (iii)    the balance of the punitive damages.

The motion passed unanimously with Sens. Hale, Killpack, and Stephenson absent for the vote.

Edward Havas, Utah Trial Lawyers Association, spoke in favor of the bill.

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

The motion passed unanimously with Sens. Hale, Killpack, and Sen. Stephenson absent for the vote.

3.    H.B. 222 Robbery Amendments (C. Frank)

Rep. Frank said the bill specifies that one of the elements of the offense of robbery is the intent to deprive. Polly Samuels, Utah Attorney General's Office and Statewide Association of Prosecutors, assisted in the presentation.

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

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

**MOTION:** Sen. Valentine moved to place the bill on the consent calendar.

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

4.    S.B. 61 Acceptance of Federally Funded Breakfast Program for Children (P. Julander)

Sen. Julander explained that the bill imposes requirements pertaining to the School Breakfast Program. Gina Cornia, Utah's Against Hunger, assisted in the presentation.

**MOTION:** Sen. Arent moved to amend the bill as follows:

1.    *Page 1, Lines 13 through 14:*

- 13            ▶    requires each local school board to require each school in its district    that

14 participates in the National School Lunch Program to participate in  
the School Breakfast Program ; and  
= ► provides an exemption from the participation requirement.

2. *Page 1, Line 26 through Page 2, Line 28:*

26 (1) [~~(a)~~] Each local school board shall[~~, at least once every three years, review~~]  
require

27 each [~~elementary~~] school in its district that participates in the National School Lunch  
Program [~~that does not~~] to participate in the School Breakfast

28 Program [~~as to the school's reasons for nonparticipation~~].

3. *Page 2, Line 40:*

40 entitlement status of the School Breakfast Program by the federal government.

(3) A local school board may, by majority vote, exempt an individual school from  
the requirements under this section if the board finds that:

(a) there is insufficient student participation in the School Breakfast Program at the  
school to justify its continuation; or

(b) the school is not open during the breakfast hour.

The motion passed unanimously.

The following spoke in favor of the bill:

Rhonda Rose, Utah PTA  
Susan Kusiak, Utah Education Association  
Linda Hilton, Crossroads Urban Center

Ronda Rose, distributed information to the committee.

Sarah Meier, Utah School Boards Association, and Granite School Board, spoke to the bill.

Laura Oscarson Wilde, Utah State Office of Education, responded to committee members' questions.

Laura Johnson, parent from Cache Valley, spoke in opposition to the bill.

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

The motion failed. Those voting in favor were Sen. Arent and Sen. Hale.

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

The motion passed unanimously.

Acting Chair Gladwell adjourned the meeting at 9:30 a.m.

Minutes reported by Nedra Duzett, Secretary.

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Sen. David L. Gladwell