

**MINUTES OF HOUSE EDUCATION
STANDING COMMITTEE**

February 7, 2005

Room W135, West Office Building, State Capitol Complex

MEMBERS PRESENT: Rep. Margaret Dayton, Chair
Rep. LaVar Christensen, Vice Chair
Rep. Ron Bigelow
Rep. Duane Bourdeaux
Rep. John Dougall
Rep. James A. Ferrin
Rep. James R. Gowans
Rep. Kory M. Holdaway
Rep. Gregory H. Hughes
Rep. Bradley T. Johnson
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold
Rep. LaWanna Shurtliff

MEMBERS ABSENT: Rep. David L. Hogue
Rep. Stephen Urquhart

STAFF PRESENT: Constance C. Steffen Policy Analyst
Cindy Baker, Committee Secretary
Dee S Larsen, Associate General Counsel

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

Chair Dayton called the meeting to order at 8:02 a.m. and welcomed committee members.

MOTION: Rep. Dougall moved to approve the minutes of February 3, 2005. The motion passed unanimously with Representatives Hughes, Johnson, Moss, Newbold, Shurtliff and Christensen absent for the vote.

H.B.196 Legislators Involvement in Public Schools (*D. Bourdeaux*)

Rep. Bourdeaux introduced the bill which requires legislators to participate in public schools three days each year.

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

Page 2, Line 44: After "to" insert "interview teachers and staff and" The motion passed unanimously with Representatives Hughes, Johnson, Newbold,

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Shurtliff and Christensen absent for the vote.

The following spoke in support of the bill:

Chad Harris, Utah School Superintendents Association

Ann Forbush, Utah School Board Association

Pat Fender, American Federation of Teachers

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

Page 2, Line 38: After "year" insert "during the legislative general session"

SUBSTITUTE

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

Page 2, Line 38: Delete "three" and insert "one" and delete "days" and insert "day"

Page 2, Line 39 After "state" delete the remainder of the line

Page 2, Lines 40-43: Delete lines 40-43

Page 2, Lines 46-57: Delete lines 46-57

Re-number remaining subsections.

The motion failed with Representatives Bigelow, Holdaway, Newbold and Dayton voting in favor of the motion and Representative Johnson absent for the vote.

A vote was taken on Rep. Dougall's motion. The motion failed with Representatives Dayton and Dougall voting in favor of the motion and Representative Johnson absent for the vote.

MOTION: Rep. Shurtliff moved to pass the bill out favorably. The motion failed with Representatives Bourdeaux, Gowans, Moss and Shurtliff voting in favor of the motion and Representative Johnson absent for the vote.

H.B. 86 Utah College of Applied Technology Amendments (R. Bigelow)

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

1. Page 9, Lines 269 through 273:

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- 269 (1) In accordance with Subsection 53B-2a-112(2), a college campus may enter
into a
270 lease with other higher education institutions, public school districts, state agencies,
or business
271 and industry for a term of:
272 (a) one year or less with the approval of the campus board of directors; and
273 (b) more than one year with ;
(i) the approval of the board of trustees ; and
(ii) the approval of funding for the lease by the Legislature prior to a college campus
entering into the lease .

The motion passed unanimously with Representatives Johnson, and Shurtliff absent for the vote.

MOTION: Rep. Holdaway moved to adopt 1st Substitute H.B.86 with the amendment of Rep Bigelow that was previously approved. The motion failed with Representatives Holdaway, Gowans and Bourdeaux voting in favor and Representatives Johnson and Shurtliff absent for the vote.

MOTION: Rep. Dougall moved to pass the bill out favorably as amended. The motion passed unanimously with Representatives Bourdeaux and Shurtliff absent for the vote.

H.B. 102 Higher Education Savings Incentive Program Amendments (S. Wyatt)

Rep. Scott Wyatt, assisted by Lynn Ward, Office of the Commissioner of Higher Education, introduced the bill which modifies the Utah Educational Savings Plan Trust.

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

1. Page 3, Line 70:

70 [[~~59-10-901, as enacted by Chapter 390, Laws of Utah 1997~~]]

2. Page 3, Line 83:

83 53B-8b-112, as enacted by Chapter 390, Laws of Utah 1997
= 59-10-901, as enacted by Chapter 390, Laws of Utah 1997

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3. *Page 24, Lines 736 through 740:*

736 ~~[[Section 13. Section 59-10-901 is amended to read:~~
737 ~~—59-10-901. Tax considerations for Utah Supplemental Educational Savings~~
 ~~Plan~~
738 ~~Trust.~~
739 ~~—[(1) (a)] A contribution to the Utah Supplemental Educational Savings Plan~~
 ~~Trust~~
740 ~~created under Section 53B-8b-103 on behalf of a designated beneficiary is not a~~
 ~~taxable gift.~~

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4. *Page 25, Line 764:*

764 Section 53B-8b-112, Liberal construction.
 Section 59-10-901. Tax considerations for Utah Supplemental Educational
 Savings Plan Trust.

5. *Page 11, Lines 316 through 321:*

316 (2) (a) ~~[Each]~~ Through March 31, 2005, each ~~[[beneficiary]]~~ account
 owner under ~~[a participation]~~ an
317 account agreement ~~[[shall]]~~ may receive an interest in a portion, as determined
 by policy, of the
318 investment income derived by the endowment fund in any year during which funds are
 invested
319 in the program fund on behalf of the beneficiary, to be payable ~~[each year in which~~
 ~~moneys are~~
320 ~~paid under the participation agreement to institutions of higher education for higher~~
 ~~education~~
321 ~~costs, not to exceed the cost of attendance at the institution]~~ as provided in Subsection
 (2)(c).

The motion passed unanimously with Representatives Bourdeaux and Shurtliff absent for the vote.

MOTION: Rep. Gowans moved to pass the bill out favorably as amended. The motion passed unanimously with Representative Ferrin absent for the vote.

Chair Dayton relinquished the chair to Vice Chair Christensen at 9:33 a.m.

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H.B. 139 Local School Board Amendments (*M. Dayton*)

Rep. Dayton introduced the bill which provides for the replacement of a local school board president or vice president and establishes board quorum requirements.

MOTION: Rep. Dougall moved to pass the bill out favorably. The motion passed unanimously with Representative Ferrin absent for the vote.

MOTION: Rep. Dougall moved to place the bill on the consent calendar. The motion passed unanimously with Representative Ferrin absent for the vote.

Chair Dayton resumed the chair at 9:37 a.m.

H.B. 136 Charter School Enrollment (*J. Ferrin*)

Rep. Ferrin introduced the bill which allows a charter school with more applicants than enrollment capacity to give enrollment preference, based on a student's proximity to the school.

The following spoke in support of the bill:

Brian Allen, State Charter School Board

Marilyn Kofford, Utah PTA, expressed concern about the bill.

MOTION: Rep. Hughes moved to pass the bill out favorably. The motion passed unanimously.

MOTION: Rep. Dougall moved to adjourn. The motion passed unanimously.

Chair Dayton adjourned the meeting at 9:48 a.m.

Rep. Margaret Dayton, Chair