

**MINUTES OF HOUSE EDUCATION
STANDING COMMITTEE**

February 2, 2006

Room W135, West Office Building, State Capitol Complex

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

MEMBERS ABSENT: Rep. Ron Bigelow

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

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

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

MOTION: Rep. Dougall moved to approve the minutes of January 31, 2006. The motion passed unanimously with Rep. Hogue, Rep. Holdaway, Rep. Hughes, Rep. Johnson, Rep. Shurtliff, and Rep. Urquhart absent for the vote.

Rep. Dougall requested that Associate Superintendent, Patrick Ogden, Utah State Office of Education, be on the agenda for the next meeting to explain his comments on the questionable use of income tax monies in regard to a proposal to establish the Education Fund.

H.B. 7 Repeal of Exemption from Nonresident Tuition (*Rep. G. Donnelson*)

Prior to the bill presentation, Chair Dayton announced that public comment would only be taken if committee comments allowed time for public comment, since this was the third public hearing on this bill.

Prof. Kris Kobach, attorney, University of Missouri, Kansas City, asserted that the Utah state

law allowing illegal aliens to receive nonresident tuition is a violation of federal law. His written statement on H.B. 7 was distributed to the committee.

Kara Alexander, student, University of Utah, requested that resident tuition be extended to others.

Bill Evans, Utah Attorney General's Office, discussed his letter dated February 1, 2006, asserting that the Utah law is valid under federal law. Mr. Evans stated Attorney General Shurtleff participated in the preparation of the letter and supports its concepts.

Mr. Evans and Mr. Kobach commented on the potential problems that may arise due to a requirement in law that a student who is an illegal alien make an affidavit regarding his or her legal status.

Rep. Dayton announced there would not be time for public comment on the bill. She requested each person to sign a form being circulated indicating their support for or against the bill, which will be a part of the record. She also requested everyone either for or opposed to the bill to stand.

MOTION: Rep. Christensen moved to pass the bill out favorably.

SUBSTITUTE

MOTION: Rep. Bourdeaux moved to move to the next item on the agenda. The motion failed with Rep. Bourdeaux, Rep. Gowans, Rep. Moss, and Rep. Shurtliff voting in favor of the motion.

A vote was taken on Rep. Christensen's motion to pass the bill out favorably. The motion passed with Rep. Bourdeaux, Rep. Gowans, Rep. Holdaway, Rep. Moss, and Rep. Shurtliff voting in opposition.

H.B. 151 Adjustments in Funding for Concurrent Enrollment (*Rep. M. Dayton*)

MOTION: Rep. Dayton moved to adopt substitute H.B. 151.

Associate General Counsel Dee Larsen explained the changes made in the substitute bill.

A vote was taken on Rep. Dayton's motion to adopt the substitute bill. The motion passed with Rep. Bourdeaux, Rep. Dougall, Rep. Ferrin, Rep. Hughes, and Rep. Johnson absent for the vote.

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

1. *Page 3, Line 86 through Page 4, Line 88:*

86 (ii) a fee of up to \$30 per credit hour for each concurrent enrollment course for which
87 the student will receive college credit, paid directly to the institution of higher education
 that
88 offers the ~~[[course-]]~~ credit .

The motion passed unanimously with Rep. Bourdeaux, Rep Dougall, Rep. Ferrin, Rep. Hughes, and Rep. Johnson absent for the vote.

Rep. Dayton said the purpose of the bill is to maintain concurrent enrollment as an option for high school students so they may pursue as many college opportunities as possible while still in high school. Concurrent enrollment allows a student to receive high school and college credit for a course. The bill will allow the concurrent enrollment program to continue.

Richard Kendall, Commissioner of Higher Education, stated the appropriation for concurrent enrollment has declined. The bill allows modest fees to be imposed for concurrent enrollment classes which can be used to preserve the viability and quality of the concurrent enrollment program. He said a part of the appropriation will be used to provide financial aid to students who cannot afford to pay concurrent enrollment fees.

Dr. Brad Cook, CAO, Utah Valley State College, testified that additional revenue is needed to assure access and quality of the program.

Dr. Dave Richardson, CAO, Salt Lake Community College, spoke in support of the bill saying that program participation has increased dramatically without concomitant funding.

Kim Burningham, Chair, State Board of Education, said the board has not taken a position on the substitute bill.

David Muir, parent, spoke in opposition to the bill.

Rep. Dayton clarified that no fee is charged the high school student unless that student wants college credit.

MOTION: Rep. Urquhart moved to pass the bill out favorably. The motion passed with Rep. Gowans voting in opposition and Rep. Bourdeaux, Rep. Hughes, and Rep. Johnson absent for the vote.

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H.B. 201 Fee Waiver Eligibility Verification (*Rep. K. Holdaway*)

The bill was not heard.

The meeting was adjourned at 10:00 am.

Rep. Margaret Dayton, Chair