

**MINUTES OF HOUSE EDUCATION
STANDING COMMITTEE**

February 6, 2007

Room W135, West Office Building, State Capitol Complex

MEMBERS PRESENT: Rep. Gregory H. Hughes, Chair
Rep. Patrick Painter, Vice Chair
Rep. Sylvia S. Andersen
Rep. Craig A. Frank
Rep. James R. Gowans
Rep. Kory M. Holdaway
Rep. Bradley G. Last
Rep. Rebecca D. Lockhart
Rep. Carol Spackman Moss
Rep. Merlynn T. Newbold
Rep. LaWanna "Lou" Shurtliff
Rep. Kenneth W. Sumsion
Rep. Mark A. Wheatley

MEMBERS ABSENT: Rep. Brad L. Dee and Rep. Stephen Urquhart

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

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

Chair Hughes called the meeting to order at 8:12 a.m.

Rep. Moss gave a vocabulary lesson on the use of the word "machination."

H.B. 100 Accessing Pornography on School Property (*Rep. D. Bowman*)

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

1. *Page 4, Lines 90 through 95*

- 90 (2) Except as provided in Subsection (3), a person ~~{, including a minor,}~~ is
guilty of
91 accessing pornographic or indecent material on school property when the person willfully
or
92 knowingly creates, views, {listens to,} or otherwise gains access to pornographic or
indecent
93 material while present on school property , **under circumstances not amounting to an**
attempted or actual violation of:

- (a) distributing pornographic material as specified in Section 76-10-1204;
- (b) inducing acceptance of pornographic material as specified in Section 76-10-1205;
- (c) dealing in material harmful to a minor as specified in Section 76-10-1206; or
- (d) indecent public displays as specified in Section 76-10-1228 .

94 (3) This section does not apply to school or law enforcement personnel when the
95 access to pornographic or indecent material on school property is limited to:

2. Page 4, Line 98

- 98 (4) Each separate offense under this section is :
- (a) a class A misdemeanor if the person is 18 years of age or older; and
 - (b) a class B misdemeanor if the person is under 18 years of age .

Rep. Bowman introduced Chad Platt, Association of Prosecutors-Salt Lake County, who explained the amendment.

The motion passed unanimously with Rep. Last, Rep. Lockhart and Rep. Newbold absent for the vote.

Rep. Bowman introduced Ed Weaver of the Cedar City local interagency council who discussed the purpose of the bill.

The following spoke in favor of the bill:
Ray Timothy, State Board of Education
Steve Peterson, Utah School Boards Association

Vic Arnold, Utah Education Association, commented on the bill.

MOTION: Rep. Gowans moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Last, Rep. Lockhart, and Rep. Newbold absent for the vote.

H.B. 286 School Discipline and Conduct Amendments (Rep. E. Hutchings)

MOTION: Rep. Holdaway moved to proceed to the next item on the agenda. The motion passed unanimously with Rep. Last, Rep. Lockhart, and Rep. Newbold absent for the vote.

H.B. 322 Driver Education Curriculum (*Rep. A. Tilton*)

Rep. Hughes, Chair, stated that the sponsor would not be presenting this bill today.

H.B. 193 Instructional Expenses Requirements (*Rep. G. Hughes*)

Rep. Hughes introduced the bill which requires school districts to spend a certain portion of General Fund expenditures on instructional expenditures.

The following spoke in opposition to the bill:

Steve Peterson, Utah School Boards Association
Ray Timothy, State Board of Education
Geoff Leonard, Utah School Employees Association
Vik Arnold, Utah Education Association

Mr. Peterson distributed handouts to committee members.

The following spoke in support of the bill:

Laurie Full, Utah Council of Teachers
Randy James, Utah Teachers United

Mr. Randy James, Utah Teachers United, distributed handouts to committee members.

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

1. *Page 2, Line 33:*

33 (b)"Instructional expenditures" means expenditures for instruction and
expenditures for total student support as defined in the

The motion failed with Rep. Holdaway, Rep. Moss, Rep. Last, Rep. Wheatley, and Rep. Gowans voting in favor of the motion.

H.B. 95 Accelerated Learning Program Amendments (*Rep. C. Moss*)

Rep. Moss distributed handouts to the committee members regarding H.B. 95.

MOTION: Rep. Moss moved to adopt 1st Substitute H.B. 95. The motion passed unanimously with Rep. Lockhard and Rep. Shurtliff absent for the vote.

The following spoke in support of the bill:
Connie Jean Larson, West High School International Baccalaureate Program
Kathy Clark, Principal, Skyline High School

MOTION: Rep. Frank moved to hold the bill for a future meeting. The motion passed unanimously with Rep. Lockhart and Rep. Shurtliff absent for the vote.

MOTION: Rep. Gowans moved to adjourn the meeting at 10:00 a.m. The motion passed unanimously with Rep. Lockhart and Rep. Shurtliff absent for the vote.

Rep. Gregory H. Hughes, Chair