

**MINUTES OF HOUSE EDUCATION  
STANDING COMMITTEE**  
Wednesday, February 3, 2010  
Room 445, State Capitol Building

**MEMBERS PRESENT:** Rep. Gregory H. Hughes, Chair  
Rep. Kenneth W. Sumsion, Vice Chair  
Rep. Johnny Anderson  
Rep. Laura Black  
Rep. Brad L. Dee  
Rep. Rebecca Edwards  
Rep. Craig A. Frank  
Rep. Bradley G. Last  
Rep. Merlynn T. Newbold  
Rep. Marie H. Poulson  
Rep. Kraig Powell  
Rep. Mark A. Wheatley

**MEMBERS ABSENT:** Rep. Don L. Ipson  
Rep. Carol Spackman Moss  
Rep. Carl Wimmer

**STAFF PRESENT:** Constance C. Steffen, Policy Analyst  
Linda Service, Committee Secretary

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

Vice Chair Sumsion called the meeting to order at 8:10 a.m.

**MOTION:** Rep. Newbold moved to approve the minutes of February 2, 2010. The motion passed unanimously. Chair Hughes, Rep. Anderson, Rep. Dee, and Rep. Last were absent for the vote.

**H.B. 99      Background Checks for School Sports Officials (*Rep. L. Black*)**

**MOTION:** Rep. Black moved to amend the bill as follows:

1. *Page 2, Lines 49 through 50:*

49            (b) A certifying entity shall require an official to submit to a criminal background  
50 check before ~~{July 1, 2010}~~ the certifying entity schedules the official to  
officiate at a secondary-level interscholastic competition .

2. *Page 2, Lines 56 through 57:*

56           (b) consent to a fingerprint background check by the division that includes  
              ~~{ national and }~~  
57           regional criminal data files.

3. *Page 3, Lines 81 through 84:*

81           (11) If an applicant is denied certification as an official or an official is  
              ~~{ dismissed }~~   no longer scheduled   as an  
82           official because of information obtained through a criminal background check, the  
              individual  
83           shall receive written notice of the reasons   ~~{ for denial or dismissal }~~   and have an  
              opportunity to  
84           respond to the reasons under the procedures set forth in Subsection (10).

4. *Page 4, Lines 91 through 97:*

91           (14) Notwithstanding Subsection (13), this section does not apply to:  
92           (a) an unpaid volunteer individual officiating at a secondary-level interscholastic  
93           competition;   ~~{ or }~~  
94           (b) an individual who officiates at a secondary-level interscholastic competition  
              and   ~~{ :~~  
95           —(i) }   is certified as an official from another state   ~~{ : and~~  
96           —(ii) ~~accompanies an out-of-state school competing in the secondary-level~~  
97           ~~interscholastic competition~~ }   ~~{ :~~   ; or

(c) an official who has not undergone a criminal background check who officiates at a secondary-level interscholastic competition, if a certifying entity would be forced to cancel the secondary-level interscholastic competition because the certifying entity is unable to schedule an official.

(15) An official described in Subsection (14)(c) may only officiate at a secondary-level interscholastic competition one time before submitting to a criminal background check as required in Subsection (2).

The motion passed unanimously. Chair Hughes, Rep. Anderson, Rep. Dee, and Rep. Last were absent for the vote.

Rep. Black explained the bill requires certified officials of school athletic competitions to have a criminal background check.

The following spoke in support of the bill:

Bart Thompson, Assistant Director, Utah High School Activities Association  
Kory Holdaway, Utah Education Association

**MOTION:** Rep. Newbold moved to move to the next item on the agenda. The motion passed with Rep. Black, Rep. Edwards, and Rep. Poulson voting in opposition to the motion.

**S.B. 95        Utah Educational Savings Plan Amendments (*Sen. W. Niederhauser*)**

Sen. Niederhauser explained the bill modifies provisions regarding the Utah Educational Savings Plan.

The following spoke in support of the bill:

Kory Holdaway, Utah Educational Association

**MOTION:** Rep. Frank moved to pass the bill with a favorable recommendation. The motion passed unanimously. Rep. Black was absent for the vote.

**MOTION:** Rep. Wheatley moved to adjourn at 8:50 a.m. The motion pass unanimously. Rep. Black was absent for the vote.

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Rep. Gregory H. Hughes, Chair