

# ARIZONA STATE SENATE

## 46TH LEGISLATURE SECOND REGULAR SESSION

### MINUTES OF COMMITTEE ON EDUCATION

**DATE:** April 5, 2004                      **TIME:** 2:00 p.m.                      **ROOM:** SHR 109  
**CHAIRMAN:** Senator Hellon                      **VICE CHAIRMAN:** Senator Mead  
**ANALYST:** Dallas Gold                      **INTERN:** Bhairav Radia  
**ASSISTANT ANALYST:** Kristina Boone                      **COMMITTEE SECRETARY:** Carol Dager

#### ATTENDANCE

#### BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Aguirre	X			HB 2010	DPA/SE
Senator Anderson	X			HB 2028	DPA
Senator Hale	X			HB 2097	WITHDRAWN
Senator Miranda	X			HB 2103	DPA
Senator Mitchell	X			HB 2104	DPA
Senator Verschoor	X			HB 2265	HELD
Senator Waring	X			HB 2266	DISCUSSION/HELD
Senator Mead, Vice Chairman	X			HB 2267	DPA
Senator Hellon, Chairman	X			HB 2268	HELD
				HB 2488	FAILED
				HB 2514	DPA/SE
				HB 2515	FAILED
				HB 2527	DP
				HB 2583	HELD
				HB 2593	DPA
				HB 2601	DPA

#### GOVERNOR'S APPOINTMENTS

<u>Name</u>	<u>Position</u>	<u>Recommendation</u>
David Curd	Member, Commission for Postsecondary Education	CONFIRMATION
Eugene Garcia	Member, Commission for Postsecondary Education	CONFIRMATION
Raul Gomez Bejarano	Member, Commission for Postsecondary Education	CONFIRMATION
Frank Davidson	Member, School Facilities Board	CONFIRMATION
Peter Granillo	Member, School Facilities Board	CONFIRMATION
William Bell	Member, School Facilities Board	CONFIRMATION
Lynne Christensen Adams	Member, State Board for Charter Schools	CONFIRMATION
Cassandra Ann Larsen	Member, State Board for Charter Schools	CONFIRMATION
Jose Gabriel Loyola	Member, State Board for Charter Schools	CONFIRMATION
Joanne Arleen Kramer	Member, State Board of Education	CONFIRMATION
John Joseph Pedicone	Member, State Board of Education	CONFIRMATION

Chairman Hellon called the meeting to order at 2:12 p.m., and attendance was taken.

## **APPROVAL OF MINUTES**

**Senator Hellon moved the minutes of March 29, 2004, be approved. Without objection, the minutes were approved as distributed.**

## **EXECUTIVE NOMINATIONS**

### **Frank Davidson, Member, School Facilities Board – RECOMMEND CONFIRMATION**

**Frank Davidson** provided a brief overview of his accomplishments.

**Senator Mead moved the Committee on Education recommend to the full Senate the CONFIRMATION of Frank Davidson as a Member of the School Facilities Board. The motion CARRIED by a roll call vote of 8-0-1. (Attachment 1)**

### **Peter Granillo, Member, School Facilities Board – RECOMMEND CONFIRMATION**

Senator Hellon provided some brief comments about **Peter Granillo** who met with her earlier but was unable to remain for the meeting.

**Senator Mead moved the Committee on Education recommend to the full Senate the CONFIRMATION of Peter Granillo as a Member of the School Facilities Board. The motion CARRIED by a roll call vote of 8-0-1. (Attachment 2)**

### **William Bell, Director, School Facilities Board – RECOMMEND CONFIRMATION**

**William Bell** provided a brief overview of his accomplishments.

**Senator Mead moved the Committee on Education recommend to the full Senate the CONFIRMATION of William Bell as the Director of the School Facilities Board. The motion CARRIED by a roll call vote of 7-0-2. (Attachment 3)**

### **Lynne Christensen Adams, Member, State Board for Charter Schools – RECOMMEND CONFIRMATION**

**Lynne Christensen Adams** provided a brief overview of her accomplishments.

**Senator Mead moved the Committee on Education recommend to the full Senate the CONFIRMATION of Lynne Christensen Adams as a Member of the State Board for Charter Schools. The motion CARRIED by a roll call vote of 7-0-2. (Attachment 4)**

Attached is a list noting the individuals who registered their position on the nomination (Attachment A).

**Cassandra Ann Larsen, Member, State Board for Charter Schools – RECOMMEND CONFIRMATION**

Cassandra Ann Larson provided a brief overview of her accomplishments.

**Senator Mead moved the Committee on Education recommend to the full Senate the CONFIRMATION of Cassandra Ann Larsen as a Member of the State Board for Charter Schools. The motion CARRIED by a roll call vote of 7-0-2. (Attachment 5)**

Attached is a list noting the individuals who registered their position on the nomination (Attachment A).

**Jose Gabriel Loyola, Member, State Board for Charter Schools – RECOMMEND CONFIRMATION**

Jose Gabriel Loyola provided a brief overview of his accomplishments.

**Senator Mead moved the Committee on Education recommend to the full Senate the CONFIRMATION of Jose Gabriel Loyola as a Member of the State Board for Charter Schools. The motion CARRIED by a roll call vote of 7-0-2. (Attachment 6)**

Attached is a list noting the individuals who registered their position on the nomination (Attachment A).

**Joanne Arleen Kramer, Member, State Board of Education – RECOMMEND CONFIRMATION**

Joanne Arleen Kramer provided a brief overview of her accomplishments.

**Senator Mead moved the Committee on Education recommend to the full Senate the CONFIRMATION of Joanne Arleen Kramer as a Member of the State Board of Education. The motion CARRIED by a roll call vote of 7-0-2. (Attachment 7)**

Attached is a list noting the individuals who registered their position on the nomination (Attachment A).

**John Joseph Pedicone, Member, State Board of Education – RECOMMEND CONFIRMATION**

John Joseph Pedicone provided a brief overview of his accomplishments.

**Senator Mead moved the Committee on Education recommend to the full Senate the CONFIRMATION of John Joseph Pedicone as a Member of the State Board of Education. The motion CARRIED by a roll call vote of 8-0-1. (Attachment 8)**

Attached is a list noting the individuals who registered their position on the nomination (Attachment A).

## CONSIDERATION OF BILLS

Senator Hellon announced that HB 2097 was withdrawn from the Education Committee.

### **HB 2097 – teachers; conviction; technical correction (now: school budget; utility adjustments) – WITHDRAWN**

Senator Hellon announced that she would be holding the following bills:

### **HB 2265 – schools; desegregation; capital outlay – HELD**

### **HB 2268 – schools; desegregation costs; cap; extension – HELD**

### **HB 2583 – schools; certificates of educational convenience – HELD**

### **HB 2266 – schools; desegregation; transportation support level (now: school districts; desegregation) – DISCUSSION HELD**

**Dallas Gold, Senate Education Committee Analyst**, explained HB 2266.

**Representative Huffman, sponsor of the bill**, provided additional information about the bill.

**Michael Smith, Associate, Tempe Elementary School District**, testified in opposition to the bill.

**Michael Hunter, Vice President, Arizona Tax Research Association (ATRA)**, testified in support of the bill.

Senator Hellon announced that she would be holding the bill.

**Philip MacDonnell, Coalition of School Districts**, testified in opposition to the bill.

**Alex Molnar, Professor, Arizona State University**, testified that they are neutral on the bill.

Senator Hellon announced the individuals who registered their position on the bill (Attachment A).

### **HB 2267 – schools; desegregation; reporting requirements – DO PASS AMENDED**

**Bhairav Radia, Senate Education Committee Intern**, explained HB 2267.

Mr. Radia also explained the Mitchell four-page amendment dated 04/02/04 at 4:57 p.m.

**Representative Huffman, sponsor of the bill**, provided additional information about the bill.

**Michael Smith, Associate, Tempe Elementary School District**, testified in support of the proposed amendment.

**Doug Kilgore, Government Relations Consultant, Arizona Education Association (AEA),** testified in support of the amendment.

**Philip MacDonnell, Lobbyist, Coalition of School Districts,** testified in support of the amendment.

Senator Hellon announced the individuals who registered their position on the bill (Attachment A).

**Senator Mead moved HB 2267 be returned with a DO PASS recommendation.**

**Senator Mitchell moved his four-page amendment dated 04/02/04, 4:57 p.m. be ADOPTED (Attachment B). The motion CARRIED by voice vote.**

**Senator Mead moved HB 2267 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-1-1. (Attachment 9)**

### **HB 2103 – school districts; bonds; overrides – DO PASS AMENDED**

Mr. Gold explained HB 2103.

Mr. Gold also explained the Hellon two-page amendment dated 04/02/04 at 1:26 p.m.

**Representative Boone, sponsor of the bill,** provided additional information about the bill.

**Fred Rosenfeld, Attorney, WESTMEC,** testified in support of the bill.

**Michael Hunter, Vice President, ATRA,** testified in support of the bill.

Senator Hellon announced the individuals who registered their position on the bill (Attachment A).

**Senator Mead moved HB 2103 be returned with a DO PASS recommendation.**

**Senator Mead moved the Hellon two-page amendment dated 04/02/04, 1:26 p.m. be ADOPTED (Attachment C). The motion CARRIED by voice vote.**

**Senator Mead moved HB 2103 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 9-0-0. (Attachment 10)**

### **HB 2104 – schools; excess utilities funding plan – DO PASS AMENDED**

Mr. Radia explained HB 2104.

Mr. Radia also explained the Hellon 21-page amendment dated 04/02/04 at 10:30 a.m.

**Representative Boone, sponsor of the bill,** provided additional information about the bill.

**Charles Essigs, Assistant Superintendent, Arizona Association of School Business Officials,** testified in support of the bill.

Senator Hellon announced the individuals who registered their position on the bill (Attachment A).

**Senator Waring moved HB 2104 be returned with a DO PASS recommendation.**

**Senator Waring moved the Hellon 21-page amendment dated 04/02/04, 10:30 a.m. be ADOPTED (Attachment D). The motion CARRIED by voice vote.**

**Senator Waring moved HB 2104 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 9-0-0. (Attachment 11)**

**David Curd, Member, Commission for Postsecondary Education – RECOMMEND CONFIRMATION**

David Curd gave an overview of his accomplishments.

**Senator Mead moved the Committee on Education recommend to the full Senate the CONFIRMATION of David Curd as a Member of the Commission for Postsecondary Education. The motion CARRIED by a roll call vote of 9-0-0. (Attachment 12)**

**Eugene Garcia, Member, Commission for Postsecondary Education – RECOMMEND CONFIRMATION**

**Senator Mead moved the Committee on Education recommend to the full Senate the CONFIRMATION of Eugene Garcia as a Member of the Commission for Postsecondary Education. The motion CARRIED by a roll call vote of 9-0-0. (Attachment 13)**

**Raul Gomez Bejarano, Member, Commission for Postsecondary Education – RECOMMEND CONFIRMATION**

Raul Gomez Bejarano gave an overview of his accomplishments.

**Senator Mead moved the Committee on Education recommend to the full Senate the CONFIRMATION of Raul Gomez Bejarano as a Member of the Commission for Postsecondary Education. The motion CARRIED by a roll call vote of 9-0-0. (Attachment 14)**

**HB 2028 – school district redistricting commission – DO PASS AMENDED**

**Kristina Boone, Senate Education Committee Assistant Research Analyst,** explained HB 2028.

Ms. Boone also explained three amendments: 1) Hellon two-page amendment dated 04/02/04 at 11:15 a.m.; 2) Hellon seven-line amendment dated 04/02/04 at 9:00 a.m. (Attachment E); and 3) Hellon nine-line amendment dated 04/02/04 at 4:11 p.m.

**Representative Linda Gray, sponsor of the bill,** provided additional information about the bill.

**Tom Horne, Superintendent of Public Instruction, Arizona Department of Education (ADE),** testified in support of the bill.

**Martin Shultz, Vice President, Pinnacle West Capital Corporation/Arizona Public Service,** testified in support of the bill.

**Janice Palmer, Governmental Relations Analyst, Arizona School Boards Association (ASBA),** testified in opposition to the bill.

**Michael Smith, Associate, Arizona School Administrators,** testified in opposition to the bill.

**Doug Kilgore, Government Relations Consultant, AEA,** testified in support of the bill.

**Dr. Cathy Esposito, Superintendent, Balsz Elementary School District,** testified that she was neutral on the bill.

**Martin Shultz, Vice President, Pinnacle West Capital Corporation/Arizona Public Service,** provided additional information about the bill and answered questions.

Senator Hellon explained that she would not be offering her seven-line amendment dated 04/02/04 at 9:00 a.m.

Senator Hellon announced the individuals who registered their position on the bill (Attachment A).

**Senator Mead moved HB 2028 be returned with a DO PASS recommendation.**

**Senator Mead moved the Hellon two-page amendment dated 04/02/04, 11:15 a.m. be ADOPTED (Attachment F). The motion CARRIED by voice vote.**

**Senator Mead moved the Hellon nine-line amendment dated 04/02/04, 4:11 p.m. be ADOPTED (Attachment G). The motion CARRIED by voice vote. DIVISION was called. The motion FAILED by a division of 2-6-1.**

**Senator Mead moved HB 2028 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-1-0. (Attachment 15)**

**HB 2010 – department of public safety; reserves (now: capital facilities board; sunset; repeal) – DO PASS AMENDED/STRIKE EVERYTHING**

Mr. Radia explained the Hellon two-page strike-everything amendment to HB 2010 dated 04/01/04 at 10:26 a.m.

**Tonia Tunnell, Government Affairs Manager, Arizona County School Superintendents Association,** testified in support of the bill.

**Guillermo Zamudio, Superintendent, Fort Huachuca Accommodation School District,** testified in support of the bill.

Senator Hellon announced the individuals who registered their position on the bill (Attachment A).

**Senator Mead moved HB 2010 be returned with a DO PASS recommendation.**

**Senator Mead moved the Hellon two-page strike-everything amendment dated 04/01/04, 10:26 a.m. be ADOPTED (Attachment H). The motion CARRIED by voice vote.**

**Senator Mead moved HB 2010 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 7-1-1. (Attachment 16)**

### **HB 2527 – schools; solar equipment – DO PASS**

Mr. Radia explained HB 2527.

**Representative Clark, sponsor of the bill,** provided additional information about the bill.

Senator Hellon announced the individuals who registered their position on the bill (Attachment A).

**Senator Mead moved HB 2527 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-1. (Attachment 17)**

### **HB 2514 – unified registration statements; charitable organizations – DO PASS AMENDED/ STRIKE EVERYTHING**

Mr. Gold explained the Anderson six-page strike-everything amendment to HB 2514 dated 03/31/04 at 2:03 p.m.

**Representative Bradley, sponsor of the bill,** provided additional information about the bill.

**Tashina Sosa, coauthor of the proposed bullying legislation,** testified in support of the bill.

**Mounir Koussa, coauthor of the proposed bullying legislation,** testified in support of the bill.

**Donna Flanigan, representing herself,** testified in support of the bill.

**Janice Palmer, Governmental Relations Analyst, ASBA,** testified in support of the bill.

Senator Hellon announced the individuals who registered their position on the bill (Attachment A).

**Senator Mead moved HB 2514 be returned with a DO PASS recommendation.**

**Senator Mead moved the Hellon six-page strike-everything amendment dated 03/31/04, 2:03 p.m. be ADOPTED (Attachment I). The motion CARRIED by voice vote.**

**Senator Mead moved HB 2514 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 9-0-0. (Attachment 18)**

## **HB 2601 – community colleges board; cleanup – DO PASS AMENDED**

Mr. Gold explained HB 2601.

Mr. Gold also explained two amendments: 1) Hellon three-line amendment dated 04/02/04 at 1:56 p.m.; and 2) Hellon two-page amendment dated 04/02/04 at 4:31 p.m.

**Representative Konopnicki, sponsor of the bill**, provided additional information about the bill.

Senator Hellon announced the individuals who registered their position on the bill (Attachment A).

**Senator Mead moved HB 2601 be returned with a DO PASS recommendation.**

**Senator Mead moved the Hellon two-page amendment dated 04/02/04, 4:31 p.m. be ADOPTED (Attachment J). The motion CARRIED by voice vote.**

**Senator Mead moved the Hellon three-line amendment dated 04/02/04, 1:56 p.m. be ADOPTED (Attachment K). The motion CARRIED by voice vote.**

**Senator Mead moved HB 2601 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 8-0-1. (Attachment 19)**

## **HB 2515 – pupil suspensions; elementary schools – FAILED**

Ms. Boone explained HB 2515.

Ms. Boone also explained three amendments: 1) Anderson seven-line amendment dated 3/12/04 at 4:31 p.m.; 2) Hellon four-line amendment dated 04/02/04 at 2:10 p.m. (Attachment L); and 3) Hellon six-line amendment dated 04/02/04 at 4:40 p.m. (Attachment M).

**Representative Boone, sponsor of the bill**, provided additional information about the bill.

**Dr. Cathy Esposito, Superintendent, Balsz Elementary School District**, testified in opposition to the bill.

**Janice Palmer, Governmental Relations Analyst, ASBA**, testified in opposition to the bill.

**Art Harding, Legislative Liaison, ADE**, testified in support of the bill.

Senator Hellon explained that she would not be offering the following amendments: 1) Hellon four-line amendment dated 04/02/04 at 2:10 p.m.; and 2) Hellon six-line amendment dated 04/02/04 at 4:40 p.m.

Senator Hellon announced the individuals who registered their position on the bill (Attachment A).

**Senator Mead moved HB 2515 be returned with a DO PASS recommendation.**

**Senator Anderson moved his seven-line amendment dated 03/12/04, 4:31 p.m. be ADOPTED (Attachment N).**

**Senator Anderson moved the following verbal amendment to his amendment:**

**Line 6, strike "WITHIN TWELVE HOURS OF THE INCIDENT"**

**The motion CARRIED by voice vote.**

**Senator Anderson moved his seven-line amendment, AS AMENDED, be ADOPTED. The motion CARRIED by voice vote.**

**Senator Mead moved HB 2515 be returned with an AS AMENDED, DO PASS recommendation. The motion FAILED with a roll call vote of 4-5-0. (Attachment 20)**

**HB 2593 – family college savings program – DO PASS AMENDED**

Ms. Boone explained HB 2593.

Ms. Boone also explained the Hellon 21-line amendment dated 04/02/04 at 8:51 a.m.

Senator Hellon announced the individuals who registered their position on the bill (Attachment A).

**Senator Mead moved HB 2593 be returned with a DO PASS recommendation.**

**Senator Mead moved the Hellon 21-line amendment dated 04/02/04, 8:51 a.m. be ADOPTED (Attachment O). The motion CARRIED by voice vote.**

**Senator Mead moved HB 2593 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 9-0-0. (Attachment 21)**

**HB 2488 – schools; principals; teachers; responsibilities – FAILED**

Ms. Boone explained HB 2488.

Senator Hellon announced the individuals who registered their position on the bill (Attachment A).

**Senator Mead moved HB 2488 be returned with a DO PASS recommendation. The motion FAILED with a roll call vote of 3-6-0. (Attachment 22)**

There being no further business, the meeting was adjourned at 7:14 p.m.

Respectfully submitted,

Carol Dager  
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)

Committee on Education  
April 5, 2004