

**MINUTES OF THE  
COMMISSION ON FEDERALISM**

Tuesday, August 11, 2015 – 9:00 a.m. – Room 450 State Capitol

**Members Present:**

Sen. Allen M. Christensen, Senate Chair  
Rep. Ken Ivory, House Chair  
Sen. Karen Mayne  
Rep. Kay J. Christofferson  
Rep. Brian S. King  
Rep. V. Lowry Snow

**Members Absent:**

Sen. Mark B. Madsen

**Staff Present:**

Mr. Jerry D. Howe, Managing Policy Analyst  
Mr. Nathan W. Brady, Policy Analyst  
Ms. Cathy J. Dupont, Associate General Counsel  
Mr. Robert H. Rees, Associate General Counsel  
Ms. Bree A. Frehner, Legislative Assistant

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Commission Business**

Chair Ivory called the meeting to order at 9:16 a.m.

**MOTION:** Sen. Mayne moved to approve the minutes of the November 6, 2014, meeting. The motion passed unanimously.

**2. Continuing Education on Federalism Curriculum – Request for Proposals**

Chair Ivory reviewed 2014 General Session H.B. 120, "Continuing Education on Federalism," which charges the Commission on Federalism with creating a federalism curriculum.

Rep. Snow discussed the work done by the evaluation committee assigned to evaluate the two proposals received in response to the commission's request for proposals to create a federalism curriculum. He mentioned concerns the evaluation committee had with the respondents' depth of knowledge about federalism and experience creating online products. He spoke about discussions with Utah Valley University concerning its expertise in federalism and in creating online video products. He recommended that the commission terminate the request for proposal process and pursue an alternative process with Utah Valley University.

**MOTION:** Rep. Snow moved that the commission terminate the request for proposal process to create a curriculum on federalism. The motion passed unanimously.

Responding to a questions from Rep. Christofferson, Rep. Snow clarified that two respondents submitted proposals and that both respondents were asked to provide their qualifications.

Sen. Mayne asked where the money appropriated for the proposals would go if the commission terminated its request for proposals. Chair Ivory responded that the commission would decide how the money would be spent.

Responding to a question from Sen. Christensen, both Rep. Snow and Rep. King explained why terminating the process would be in the best interest of the commission.

Chair Ivory expressed appreciation to those who submitted proposals. He elaborated on the opportunity the commission in particular and the state of Utah in general have to provide a gathering place for study on the issue of federalism. He commented on the importance of studying federalism.

Mr. Craig Frank, representing one of the respondents, commented on the commission's unique opportunity to lead on the issue of federalism. He encouraged the commission to give specific attention to a number of critical issues identified in the proposal submitted by the group he represents. He suggested that the group he represents would be interested in working with the commission in the future. He expressed his appreciation for the service of commission members.

Mr. Jeff Olson, Senior Vice President of Academic Affairs, Utah Valley University; Mr. Dustin Berlin, Director of Aviation Online Education, Utah Valley University; and Dr. Andrew Bibby, Interim Director, Center for Constitutional Studies at Utah Valley University, presented before the commission. Mr. Olson commented on the importance of studying federalism. He discussed the Utah Valley University proposal to host a conference on federalism, invite recognized experts to the conference, and gather interview footage and other media at the conference to create the federalism curriculum.

Responding to questions from the commission, Mr. Olson discussed the financial resources required to host a conference (\$33,000) and to create first-rate training materials (\$35,000).

Sen. Mayne cautioned that the conference and any materials created as part of the federalism curriculum should be educational and unbiased.

Mr. Berlin gave a history of work his team has done producing quality online resources. He provided examples of the online resources his team has created. Citing an example, he showed how interviews with experts can be used in a final product. He recommended including different viewpoints in the final product. Mentioning that his team has delivered thousands of online courses, Mr. Berlin highlighted the experience his team has working on a variety of issues and creating interactive online resources.

Mr. Olson commented on the quality of materials created by Mr. Berlin's team. He stated that the final product can be both sophisticated and accessible.

In response to a question from Chair Ivory, Mr. Berlin discussed the importance of frequent assessment and a summative end piece to keep people engaged with an interactive online resource. He indicated that assessments would be included within the federalism curriculum final product.

Chair Ivory stated that federalism is a nonpartisan issue and should be illustrated as such. Mr. Olson commented that because federalism is a systemic issue rather than a partisan issue it will not be difficult to create unbiased materials that illuminate federalism.

**MOTION:** Rep. Christofferson moved that the commission enter into contract negotiations with Utah Valley University on the development of a federalism curriculum. The motion passed unanimously.

**MOTION:** Rep. Christofferson moved to authorize the chairs to negotiate the terms of the contract with Utah Valley University. The motion passed unanimously.

Chair Ivory expressed appreciation to Mr. Olson, Mr. Berlin, and Dr. Bibby for their proposal. He expressed enthusiasm for the future relationship between the commission and UVU.

### **3. Review of Statutory Duties and Responsibilities**

Chair Ivory distributed "The 'Basic Principles' - Federalism," which lists basic principle that should be considered when answering questions about the state-federal governing partnership. He also referenced "Commission on Federalism Statutory Authority and Duties," which was distributed prior to the meeting. He discussed the commission's authority and duties and commented that the commission should identify and monitor the line between federal and nonfederal jurisdiction. He also discussed "Commission on Federalism Statutorily Established Standards for Evaluating Federal Law," which enumerates the standard for evaluation of federal law. He commented on the charge of the commission to monitor the federal government's boundaries.

Rep. Christofferson expressed appreciation for the effort being put forth to distinguish the boundary between federal jurisdiction and state jurisdiction.

Sen. Christensen and Chair Ivory discussed the possibility of developing a working group or working groups to identify and evaluate critical areas that the commission is responsible to review.

**MOTION:** Sen Christensen moved that the commission authorize the chairs to develop a plan of work, including forming subgroups, to study particular issues within the broader issue of federalism. The motion passed unanimously. Sen. Mayne was absent for the vote.

Chair Ivory and Sen. Christensen encouraged input from both the commission members and from other members of the Legislature suggesting areas for study by the commission and smaller subgroups.

Rep. Snow mentioned interest in developing areas for in-depth study by the commission. He recommended that as the chairs work to develop a plan of work for subgroups they also develop a plan for in-depth study of particular issues by the commission. He encouraged the chairs to consider inviting individuals with expertise on the pertinent issues to speak before the commission.

### **4. Other Items/Adjourn**

**MOTION:** Sen. Christensen moved to adjourn the meeting. The motion passed unanimously. Sen. Mayne was absent for the vote.

Chair Ivory adjourned the meeting at 10:30 a.m.