

**MINUTES OF THE
COMMISSION ON FEDERALISM**

Friday, September 30, 2016 – 2:00 p.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
Mr. Robert H. Rees, Associate General Counsel
Mr. Michael E. Curtis, 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.

1. Commission Business

Chair Ivory called the meeting to order at 2:06 p.m.

MOTION: Sen. Christensen moved to approve the minutes of the May 17, 2016, meeting. The motion passed unanimously.

2. Continuing Legal Education for Federalism Curriculum

Dr. Andrew Bibby, Associate Director, Center for Constitutional Studies at Utah Valley University, previewed the federalism curriculum website, demonstrating how a user would work through the video modules and quizzes. He distributed "Federalism CLE: Test Bank" and informed the commission that the curriculum has been approved for one hour of continuing legal education and that approval for two hours has been requested. Dr. Bibby responded to inquiries from the commission concerning the quiz questions, the privacy of information gathered from participants, and the possible thresholds for advancement through the curriculum.

Commission members discussed what requirements should be imposed upon those who participate in the federalism curriculum. They suggested ways to ensure that participants view each module and seriously consider each question. Commission members favored setting the curriculum so that watching a video module is requisite to unlocking the related quiz.

Chair Ivory requested input on how to publish and publicize the federalism curriculum, including the continuing legal education component.

Mr. Howe recommended sending letters to offices required to have a federalism expert per state statute as well as publicizing the curriculum to interested parties. Commission members discussed possible interested parties, including law schools, bar associations, legal societies, the National Conference of State Legislatures, the Council of State Governments, legislators, etc.

Chair Ivory informed the commission of expenses that Utah Valley University has incurred during the development of the federalism curriculum, in excess of the original \$30,000 appropriation.

MOTION: Rep. King moved that the commission recommend to the Executive Appropriations Committee reimbursement for Utah Valley University Center for Constitutional Studies for the additional \$21,697 spent to develop the federalism curriculum. The motion passed unanimously.

3. Article V Issues Update

Rep. Merrill F. Nelson reported on his attendance at the first ever simulated convention of all 50 states with Chair Ivory, and Rep. Kim Coleman. He stated that the purpose of the convention was to show that an Article V convention could be held safely and to explore ways that states could put limits on the federal government. He noted that Chair Ivory was elected as president of the convention and that six proposals passed the body. Rep. Nelson stated that there were around 130 attendees, mentioned certain proposals that were considered and passed at the convention, and noted that the effort to protect state sovereignty is bipartisan.

Sen. Mayne discussed forthcoming proposals concerning federal relationships and responsibilities.

Responding to a question from Rep. Christofferson, Rep. Nelson stated that the convention was well publicized so there were likely attendees who were originally opposed to an Article V convention taking place. He discussed necessary next steps, including passing a resolution calling for a convention of the states on the same subject as 34 other states.

The commission chairs agreed to propose that a discussion of the simulated convention be included in the upcoming majority caucus.

Commission members discussed how a convention of states might be run and various efforts underway to address this topic, including the work of the Assembly of State Legislatures.

Chair Ivory commented on his experience at the convention and his unique perspective as president of the convention.

4. Other Items/Adjourn

In response to a question from Rep. Christofferson, Chair Ivory expounded on future issues the commission could consider, including the commission's legislative mandate to review federal laws. He welcomed suggestions from commission members on issues requiring further study. He also requested that commission staff circulate the commission's statutory mandate to the members.

Commission members discussed a possible future meeting date.

MOTION: Rep. Snow moved to adjourn the meeting. The motion passed unanimously.

Chair Ivory adjourned the meeting at 3:40 p.m.