

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

4028

2001 SENATE JUDICIARY

SCR 4028

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4028

Senate Judiciary Committee

Conference Committee

Hearing Date February 13th, 2001

Tape Number	Side A	Side B	Meter #
1	x		41,4-51
Committee Clerk Signature			

Minutes: **Senator Watne** opened the hearing on SCR 4028: A CONCURRENT RESOLUTION RESCINDING ALL APPLICATIONS MADE BY THE LEGISLATIVE ASSEMBLY TO THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION PURSUANT TO THE TERMS OF ARTICLE V OF THE UNITED STATES CONSTITUTION FOR PROPOSING AMENDMENTS TO THAT CONSTITUTION AND URGING THE LEGISLATIVE BODIES IN OTHER STATES TO TAKE SIMILAR ACTION.

**Senator Mutch**, testified in Favor of SB 4028.

**Senator Watne** closed the hearing on SB 4028.

**SENATOR DEVER MOTIONED TO DO PASS, SECONDED BY SENATOR TRENBEATH. VOTE INDICTED 6 YEAS, 0 NAYS AND 1 ABSENT AND NOT VOTING. SENATOR DEVER VOLUNTEERED TO CARRY THE BILL.**

Date: 2/13/01  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 4028

Senate Judiciary Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Dever Seconded By Trenbeath

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman			Bercier, D.	X	
Watne, D. Vice Chairman	X		Nelson, C.	X	
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment Dever

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
**February 13, 2001 2:13 p.m.**

**Module No: SR-26-3228**  
**Carrier: Dever**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SCR 4028: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS**  
**(6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4028 was placed on the**  
**Eleventh order on the calendar.**

2001 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SCR 4028

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SCR 4028

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 3/08/01

Tape Number	Side A	Side B	Meter #
1	X		253-1317
3/09/01 (1)	X		2321-2570
Committee Clerk Signature			

Minutes:

REP. M. KLEIN called the hearing to order, with all committee members present.

In favor:

GEORGE DETWEILER, SELF

DETWEILER talks about states limiting the convention. Urges the committee a do pass. Please see attached testimony.

REP. KASPER asks how would the delegates be determined? DETWEILER states that there is no provision for that at all, deciding how they would be selected. KASPER asks who would decide that, congress? DETWEILER replies that it is both the house and the senate.

REP. KLEMIN asks how many states are calling for this? DETWEILER replies that 32 out of 34 required states are. Two short of the necessary. REP. KLEMIN asks where are we standing right now? DETWEILER replies that they are in the high twenties.

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House Government and Veterans Affairs Committee

Bill/Resolution Number SCR 4028

Hearing Date 3/08/01

REP. BELLEW doesn't understand why our founding fathers would put this in here if they didn't want us to use it.

Being no further testimony the hearing was then closed. Action was taken on March 9th, 2001.

REP. HAAS motioned for a DO PASS, seconded by REP. GRANDE. The roll call was taken with 13 YES, 2 NO and 0 ABSENT AND NOT VOTING. The motion carries. The CARRIER of the bill is REP. M. KLEIN.

SCR 4028: DO PASS 13-2

CARRIER: REP. M. KLEIN



Date: 3/9/01

Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SCR 4028

House GOVERNMENT AND VETERANS AFFAIRS Committee

Subcommittee on \_\_\_\_\_

or

Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Haas Seconded By Grande

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN KLEIN	✓		REP KROEBER	✓	
VICE CHAIR GRANDE	✓	✓			
REP BELLEW					
REP BRUSEGAARD	✓				
REP CLARK	✓				
REP DEVLIN		✓			
REP HAAS	✓				
REP KASPER	✓				
REP KLEMIN	✓				
REP MEIER	✓				
REP WIKENHEISER	✓				
REP CLEARY	✓				
REP HUNSKOR	✓				
REP METCALF	✓				

Total (Yes) 13 No 2

Absent 0

Floor Assignment Rep. M. Klein

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
**March 9, 2001 12:29 p.m.**

**Module No: HR-41-5216**  
**Carrier: M. Klein**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SCR 4028: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)**  
**recommends DO PASS (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).**  
**SCR 4028 was placed on the Fourteenth order on the calendar.**

2001 TESTIMONY

SCR 4028

November 25, 1991

STATEMENT OF PROFESSOR CHRISTOPHER BROWN

The most alarming aspect of the fact that 32 of the necessary 34 states have called for a constitutional convention is the threat this development poses to a system that has worked so well for nearly 200 years. In spite of the fact that 3 states have rescinded their calls for a constitutional convention in recent years, convention supporters have clearly stated their intent to lull the final 2 states into passing convention requests, thereby forcing the U.S. Supreme Court into either upholding the state rescissions or mandating the first federal constitutional convention since 1787. We are on the brink of encountering the risks of radical surgery at a time when the patient is showing no unusual signs of difficulty. If this country were faced with an uncontrollable constitutional crisis, such risks might be necessary; but surely they have no place in the relatively placid state of present day constitutional affairs. Now is not the time for the intrusion of a fourth unknown power into our tripartite system of government.

After 34 states have issued their call, Congress must call "a convention for proposing amendments." In my view the plurality of "amendments" opens the door to constitutional change far beyond merely requiring a balanced federal budget. The appropriate scope of a convention's agenda is but one of numerous uncertainties now looming on the horizon: Need petitions be uniform, limited or general? By whom and in what proportion are the delegates to be chosen? Who will finance the convention? What role could the judiciary play in resolving these problems? The resolution of these issues would inevitably embroil the government in prolonged discord.

Assembling a convention and thereby encountering and attempting to resolve these questions would surely have a major effect upon the ongoing operations of our government. Unlike the threats posed by Richard Nixon's near impeachment, the convening of a convention could not necessarily be compromised to avoid disaster. It would surely create a major distraction to ordinary concerns, imposing a disabling effect on this country's domestic and foreign policies. Only the existence of an actual breakdown in our existing governing structure warrants such a risk-prone tinkering with out constitutional underpinnings. Now is not the time to take such chances.

PRESIDENT OF BYU

2840 Iroquois Drive  
Provo, UT 84604  
December 18, 1989

Representative Reese Hunter  
4577 Wellington Street  
Salt Lake City, UT 84117

Dear Mr. Hunter:

This is in response to your letter of December 12 in which you asked for my opinion concerning whether under Article V of the United States Constitution, a constitutional convention called to consider a particular issue could be limited either by congressional directive or otherwise to that single issue.

The only safe statement that could be made on this subject is that no one knows, but the only relevant precedent would indicate that the convention could not be so limited. Anyone who purports to express a definitive view on this subject is either deluded or deluding. As a result, in determining the steps you should take as a responsible representative of the people of Utah, you and other members of the legislature should realize that the risks are very real that (1) just as happened in 1787, the convention might not in fact limit itself as instructed by Congress and (2) the convention's forays into areas forbidden them by Congress might eventually be upheld.

In short, if the question is whether a runaway convention is assured, the answer is no, but if the question is whether it is a real and serious possibility, the answer is yes. In our history we have had only one experience with a constitutional convention, and while the end result was good, the convention itself was definitely a runaway.

I hope this is helpful to you.

Sincerely,



Rex E. Lee

REL:jn

