

One Hundred Second Legislature - Second Session - 2012

Introducer's Statement of Intent

LB1171

Chairperson: Senator Bill Avery

Committee: Government, Military and Veterans Affairs

Date of Hearing: February 24, 2012

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB1171 would adopt the Balance of Powers Act. It seeks to set up a formal process by which the State Legislature can review federal legislation, which goes beyond the federal government's authority as expressly given in the Constitution of the United States, to protect the liberties of the people of the State of Nebraska through nullification.

This bill is founded in the idea that the Constitution of the United States is a compact between the states creating a federal republic that is limited to the power that was expressly given to it by the states in the Constitution to serve the states. This bill argues that the states created this compact and are parties to this compact, which created the Federal Government. It is only logical that they have some say in what is constitutional as parties who ratified the Constitution, which specifically limited the powers of the Federal Government. When the Federal Government believes it can make any law, rule or regulation through creative interpretation of several clauses in the Constitution, the document becomes more and more meaningless. When all three branches of the federal government get it wrong, then it only makes sense for states to exercise the power to nullify an unconstitutional within their state protecting the liberties of the people and the powers of the state.

The 9th and 10th Amendments to the Constitution of the United States were added to confirm the balance of powers between the states and the Federal Government, clarifying that the powers not expressly given to the Federal Government in the Constitution are powers given to the states or the people.

LB1171 is a bill seeking to reestablish the proper balance of power between the Federal Government and the states, at a time when the Federal Government is increasingly usurping power it has not been given through any constitutional amendments.

Principal Introducer: _____

Senator Mark Christensen

