

One Hundred Fourth Legislature - First Session - 2015

Introducer's Statement of Intent

LR35

Chairperson: Senator John Murante

Committee: Government, Military and Veterans Affairs

Date of Hearing: February 25, 2015

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

LR35 calls for Nebraska to join other states in passing an application that calls for an interstate convention for the purpose of proposing amendments to the U.S. Constitution. State legislatures are granted this power under Article V of the U.S. Constitution. The language of LR35 is verbatim to applications that have been filed in other states, as any interstate convention must have a foregoing, agreed upon scope and subject for which the convention is called.

The convention will only occur after two-thirds of the several states (34 states) pass the same application. Once the requisite 34 states have passed the same application, Congress shall call the convention. After the convention is called, delegates (officially called commissioners) are chosen by the states – the process for choosing delegates is decided by the legislature in each state. Each state legislature may send as many delegates to the convention as it chooses, but each state is allowed only one vote at the convention. The delegates may be given instructions on how to vote by their state legislature and are legally bound to adhere to them.

Since the convention only has the power to propose amendments, ratification takes place subsequently following the convention. While at the convention, any amendments proposed and/or passed must fall within the preordained scope specified in the 34 matching applications passed by the state legislatures. In the case of LR35, the scope is to impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and for members of Congress.

In order for a valid amendment to emerge from the convention, it must pass with a simple majority vote. After passing the convention, the amendments – before becoming part of the U.S. Constitution – must still be ratified by the legislatures of three-fourths of the several states (38 states), or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by Congress. Multiple legal safeguards are in place to prevent the ratification of any amendment that deviates from the scope of the convention.

Principal Introducer: _____

Senator Laura Ebke

