

SENATE BILL REPORT

SJM 8016

As of January 28, 2016

Brief Description: Applying for a convention to propose amendments to the United States Constitution relating to fiscal restraints on the federal government, the power and jurisdiction of the federal government, and terms of office for federal officials and for members of Congress.

Sponsors: Senators Rivers, Angel, Sheldon and Becker.

Brief History:

Committee Activity: Government Operations & Security: 1/26/16.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Staff: Alex Kearns (786-7416)

Background: Article V of the United States Constitution provides two ways for amending the Constitution. The first method allows Congress to propose an amendment if approved by a two-thirds vote in the House and Senate. The second method requires Congress to call a constitutional convention to propose amendments when requested by two-thirds of the state legislatures. Any amendment proposed under either method must be ratified by three-fourths of the state legislatures in order to become an operative part of the United State Constitution.

Summary of Bill: The Legislature requests that Congress call a constitutional convention for the purpose of proposing amendments to the United States Constitution. Amendments proposed at this convention will be limited to those that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for federal officials and members of Congress.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Staff Summary of Public Testimony: PRO: Our founders knew that there was going to be a day when the federal government would abuse its authority and when that day arrived the ability to get amendments out of Congress to rein in the powers of the federal government

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would not be realistic. So states were given the ability to propose, draft, and ratify amendments to rein in that federal power. The Founders believed that no branch of government should be the final authority of how much power it has. So the founders gave the states the ultimate political power in this country, the power to unilaterally change the constitution through a convention of states. Today, the federal government has too much power. There is excessive spending, no term limits, and no oversight. A convention of states is needed to make sure that federal power is limited and states control the issues they were intended to control. This should be a bipartisan issue because it is not about what the policy should be, it is about who is deciding the policy. Washington DC will not stop until somebody bigger tells them no, and the convention of states is that bigger power.

CON: A constitutional convention is not necessary or safe. Most Congressional spending is not authorized by the Constitution, so the answer is not to change the document but to obey it. Changing the Constitution is not going to make Congress any more obedient than it is now. The Constitution is a clear document, and a convention of states will not fix the problems with interpreting that document because there will still be people doing the interpreting. Once Congress gets the convention rolling nobody is going to be able to stop the convention from changing into something entirely different. When you have a convention each state gets the same vote, but Wyoming shouldn't have the same vote as Texas or California or New York. This resolution is also silent about how the delegates are determined and what demographics they will represent. The text of the resolution says that it is "continuing" which brings up questions about whether or not it can be rescinded in a few years if the states no longer want to participate in a convention.

Persons Testifying: PRO: Senator Rivers, Prime Sponsor; Thomas Hann; Eric Minor, State Director, Washington Convention of States; William Keith Mathison; Dennis Anderson; Al King; Richard Gray; Edward Norton; John Moselage; Michael Farris, Convention of States: A Project of Citizens for Self Governance; Lyle Bair.

CON: Ezekiel Lyen; Stephen Richter; Charles Beck.

Persons Signed In To Testify But Not Testifying: No one.