

Senate Approves Constitutional Legislation Addressing Overreach of Federal Government

STATEHOUSE (Feb. 26, 2013) – Indiana Senate President Pro Tem David Long’s (R-Fort Wayne) package of legislation to exert states’ constitutional rights and place a check on federal government overreach passed the Senate today and moved to the House of Representatives for further consideration.

Long’s legislative initiative includes a joint resolution (SJR 18) exercising Indiana’s ability under Article V of the U.S. Constitution to call for a “convention for proposing amendments” to the Constitution. SJR 18 calls for an Article V amendment convention specifically confined to the topics of limiting Congress’ power to tax and regulate commerce.

The Senate also passed two companion bills authored by Long – SB 224 and SB 225 – that outline the process for selecting Indiana’s delegates to an Article V amendments convention and strictly limit the duties and authority such delegates would have at the convention.

“For too long, we have stood by and watched as the federal government overstepped its constitutional bounds and encroached more and more on the rights and freedoms of states and individual citizens,” Long said. “This legislation is a meaningful effort to do something about it. Our Founders gave the states the power to call amendment conventions in order to hold the federal government accountable. It’s time we use this constitutional tool and seek to regain a proper balance between federal and state power.”

As outlined in Article V of the U.S. Constitution, a state-led “convention for proposing amendments” will take place whenever two-thirds of the states (34 states) apply to Congress to call such a convention. Any amendments approved by the convention would then require ratification by three-fourths of the states (38 states) to be added to the Constitution.

Long’s legislation contains language to address the concerns of some who claim an Article V amendment convention could turn into a so-called “runaway convention.”

“The package of legislation passed by the Senate today was carefully crafted to prevent the possibility of a runaway convention,” Long said. “It includes multiple layers of protection, including a clear limitation on the subject matter eligible for consideration at a convention, as well as the ability to recall any delegate who attempts to act outside of that subject matter. I believe this legislation will serve as a model for other states and should alleviate the concerns of those who worry an Article V amendment convention couldn’t be controlled.”

Long’s legislation now moves to the House of Representatives for further consideration.

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