

AMENDMENTS TO LB1058

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. This act shall be known and may be cited as the Faithful
4 Delegate to Federal Article V Convention Act.

5 Sec. 2. For purposes of the Faithful Delegate to Federal Article V
6 Convention Act:

7 (1) Alternate delegate means an individual selected pursuant to
8 section 4 of this act to represent this state as an alternate delegate at
9 an Article V convention;

10 (2) Article V convention means a convention called by the United
11 States Congress under Article V of the Constitution of the United States;

12 (3) Delegate means:

13 (a) An individual designated or appointed pursuant to section 4 of
14 this act to represent this state as a delegate at an Article V
15 convention; and

16 (b) An alternate delegate who fills a vacancy created by the removal
17 of a delegate or acts in place of the delegate in his or her absence; and

18 (4) Unauthorized vote means a vote by a delegate at an Article V
19 convention that:

20 (a) Exceeds the scope of the subject matter of the Article V
21 convention authorized by the Legislature in the application to the United
22 States Congress to call the convention if the Legislature made an
23 application to call the convention; or

24 (b) Exceeds the scope or subject matter of the Article V convention
25 if the Legislature did not make an application to the United States
26 Congress to call the convention.

27 Sec. 3. The purposes of the Faithful Delegate to Federal Article V

1 Convention Act are (1) to provide the rules and procedures necessary to
2 create and guide a delegation to an Article V convention, (2) to provide
3 legislative direction relating to the selection of an alternate delegate
4 and the filling of a vacancy of a delegate or an alternate delegate, and
5 (3) to determine an unauthorized vote.

6 Sec. 4. (1) In advance of any formal, legal call for an Article V
7 convention, the Legislature predetermines and authorizes the following
8 five officeholders to perform the duties of delegates to an Article V
9 convention:

- 10 (a) Lieutenant Governor;
11 (b) Auditor of Public Accounts;
12 (c) Secretary of State;
13 (d) State Treasurer; and
14 (e) Speaker of the Legislature.

15 (2) The Executive Board of the Legislative Council shall select five
16 alternate delegates from the list of chairpersons and vice-chairpersons
17 of the standing committees of the Legislature at the time of the formal,
18 legal call of the Article V convention.

19 (3) If the number of delegates allocated to represent this state at
20 the Article V convention is determined by the United States Congress or
21 by agreement among the states to be more than five, each delegate
22 designated pursuant to subsection (1) of this section, in the order
23 listed in such subsection, shall appoint a designee to serve as an
24 additional delegate until the number of delegates allocated has been
25 appointed, up to ten delegates. If the number is more than ten, the
26 Legislature shall appoint additional delegates from among the members of
27 the Legislature, up to the allocated number, by majority vote of the
28 members of the Legislature. The executive board shall appoint the
29 appropriate number of alternate delegates from among the members of the
30 Legislature after the appointment of the delegates.

31 (4) The executive board shall pair each alternate delegate with a

1 delegate at the time of the formal, legal calling of an Article V
2 convention or the appointment of the delegates or alternate delegates.
3 The alternate delegate is designated to automatically fill a vacancy in
4 the position of the paired delegate. If the positions of the delegate and
5 paired alternate delegate are both vacant, the executive board shall
6 appoint a new delegate and paired alternate delegate to succeed the prior
7 delegate and alternate delegate from the list of chairpersons and vice-
8 chairpersons of the standing committees of the Legislature at the time of
9 the vacancies.

10 Sec. 5. (1) The delegates and alternate delegates shall not be
11 compensated for their service as delegates and alternate delegates.

12 (2) The delegates and alternate delegates may be reimbursed for
13 their actual and necessary expenses incurred in the performance of their
14 official duties as provided in sections 81-1174 to 81-1177.

15 Sec. 6. (1) Each delegate and alternate delegate shall take the
16 following oath before voting or taking an action as a delegate or an
17 alternate delegate of this state: I do solemnly swear (or affirm) that,
18 to the best of my abilities, I will, as a delegate (or an alternate
19 delegate) to the Article V convention, act according to the limits of the
20 authority granted to me as a delegate (or an alternate delegate) under
21 the Faithful Delegate to Federal Article V Convention Act and will not
22 consider or vote to approve an amendment to the Constitution of the
23 United States not authorized by the Legislature in its application to the
24 United States Congress to call this convention or an amendment outside of
25 the scope of this convention if the Legislature did not make an
26 application to the United States Congress to call this convention.

27 (2) Each delegate and alternate delegate shall file the executed
28 oath with the Secretary of State.

29 Sec. 7. An alternate delegate shall act in the place of his or her
30 paired delegate when the delegate is absent from the convention. An
31 alternate delegate acting under this section shall be deemed the delegate

1 for purposes of such action.

2 Sec. 8. (1) A delegate shall not cast an unauthorized vote. An
3 unauthorized vote is invalid.

4 (2) A delegate who casts an unauthorized vote is disqualified from
5 servicing as a delegate or an alternate delegate, and a vacancy created by
6 a disqualification shall be filled as provided in section 4 of this act.

7 (3) A delegate who casts an unauthorized vote may be removed
8 following a quo warranto action pursuant to sections 25-21,121 to
9 25-21,148. A delegate who is found guilty of casting an unauthorized vote
10 pursuant to such action shall be removed as a delegate, notwithstanding
11 section 25-21,133. If a delegate who holds that position by virtue of
12 holding another office is removed as a delegate pursuant to a quo
13 warranto action, he or she shall not be removed from the other office
14 pursuant to that quo warranto action.

15 (4) The Attorney General shall, upon the request of a delegate or an
16 alternate delegate, advise the delegate or alternate delegate whether
17 there is reason to believe that an action or an attempt to take an action
18 by a delegate could result in an unauthorized vote.