

SESSION OF 2022

**SUPPLEMENTAL NOTE ON HOUSE CONCURRENT
RESOLUTION NO. 5027**

As Amended by House Committee of the Whole

Brief*

HCR 5027, as amended, if adopted by a two-thirds majority of each chamber of the Kansas Legislature, serves as Kansas' application to Congress, under the provisions of Article V of the *U.S. Constitution*, for the purpose of calling a convention of the states. The convention would be limited to proposing amendments to the *U.S. Constitution* that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for members of Congress and officials.

The resolution is a continuing application to Congress for the convention of states until two-thirds of the state legislatures have applied to Congress on the same subject.

The resolution contains whereas clauses setting out legislative findings regarding the roles of the states and the federal government, particularly regarding amending the *U.S. Constitution* through a convention of the states under Article V. The resolution also contains a whereas clause citing the *Kansas Constitution* requirement for a two-thirds vote of each legislative chamber to either ratify an amendment to the *U.S. Constitution* or make an application to Congress to call such a convention.

The resolution requires the Secretary of State to send an enrolled copy of the resolution to the President and Secretary of the U.S. Senate, the Speaker and the Clerk of the U.S. House of Representatives, the Kansas members of

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

the U.S. House and Senate, and the presiding officers of the Kansas legislative chambers.

Background

The resolution was introduced by Representatives Bergquist, Bergkamp, Burris, Will Carpenter, Clifford, Croft, Delperdang, Donohoe, Ellis, Eplee, French, Garber, Hawkins, Helmer, Hoffman, Hoheisel, Howe, Howell, Huebert, Humphries, Steven Johnson, Timothy Johnson, Kelly, Mason, Murphy, Neelly, Owens, Patton, Penn, Proehl, Resman, Rhiley, Ryckman, Sanders, Seiwert, Adam Smith, Chuck Smith, Eric Smith, Sutton, Tarwater, Thomas, Turner, Waggoner, Wasinger, Waymaster, and Williams in the House Committee of the Whole on February 1, 2022.

House Committee on Federal and State Affairs

In the House Committee hearing on February 10, 2022, Senator Steffen, a representative of Convention of States Action, and four private citizens provided **proponent** testimony. Proponents generally indicated a convention of states is necessary to restore the balance of power between state and federal governments, to limit increasing debt, and to limit the term length of elected officials.

Senator Straub, a representative of the Coffey County Board of County Commissioners, and 11 private citizens provided written-only proponent testimony.

A representative of Kansas Campaign for Liberty, provided **opponent** testimony. The opponent generally indicated the *U.S. Constitution* already has adequate limitations that need to be enforced and a convention of states would not necessarily remain tied to a single issue and could result in further erosion of state authority.

Representative Houser and six private citizens provided written-only opponent testimony.

No neutral testimony was provided.

House Committee of the Whole

On March 8, 2022, the House Committee of the Whole amended the resolution to cite language from the *Kansas Constitution* requiring a two-thirds majority of each legislative chamber in order to either ratify an amendment to the *U.S. Constitution* or to make an application to Congress to call an Article V convention and to require a two-thirds majority of each chamber of the Kansas Legislature to concur before adoption of the resolution.

Fiscal Information

No fiscal note was available when the House Committee on Federal and State Affairs or the House Committee of the Whole took action.

Convention of States; *U.S. Constitution*; federal government; limitations