

SESSION OF 2018

**SUPPLEMENTAL NOTE ON SENATE CONCURRENT
RESOLUTION NO. 1611**

As Amended by Senate Committee on Federal
and State Affairs

Brief*

SCR 1611, as amended, if approved by two-thirds of both the Kansas House and Kansas Senate, would serve as Kansas' application to the U.S. Congress, under the provisions of Article V, to call a convention for the purpose of proposing amendments to the *U.S. Constitution* that impose limits on the federal government.

The concurrent resolution states the amendments proposed during the convention of states would pertain to the following:

- Fiscal restraints on the federal government;
- Limitations on the power and jurisdiction of the federal government; and
- Limitations on terms of office for federal officials and members of Congress.

The concurrent resolution states the application will be ongoing until the legislatures of at least two-thirds of the states make an application on the same subject.

The resolution states the following findings:

*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 founders of our *Constitution* empowered state legislators to be guardians of liberty against future abuses of power by the federal government;
- The federal government has created a crushing national debt through improper and imprudent spending;
- The federal government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent;
- The federal government has ceased to live under a proper interpretation of the *Constitution of the United States*; and
- It is the solemn duty of the state to protect the liberty of our people, particularly for the generations to come, by proposing amendments to the *Constitution of the United States* through a convention of the states under Article V for the purpose of restraining these and related abuses of power.

The Kansas Secretary of the Senate would be required to send an enrolled copy of the resolution to the President and Secretary of the U.S. Senate and the Speaker and the Clerk of the U.S. House of Representatives, the members of the U.S. Senate and the U.S. House of Representatives representing Kansas, and the presiding officers of each of the legislative chambers of each state.

Background

The concurrent resolution was introduced at the request of Senators Wagle, Alley, Baumgardner, Billinger, Denning, Estes, Givens, Goddard, Hardy, Kerschen, Lynn, Masterson, Olson, Petersen, Pilcher-Cook, Suellentrop, and Wilborn.

In the Senate Committee on Federal and State Affairs hearing, Representative Burris, several representatives from the Convention of States Project, and a representative of the Citizens for Self-Governance provided proponent testimony. They generally stated the convention of the states called by the concurrent resolution could propose constitutional amendments to address overreach and overspending at the federal level of government.

A representative of the Kansas Campaign for Liberty provided opponent testimony, stating amendment of the *U.S. Constitution* would not be necessary if the current text of the *U.S. Constitution* was enforced in its entirety.

The American Federation of Teachers – Kansas, the Center on Budget and Policy Priorities, the Kansas Action for Children, Kansas Appleseed, the Kansas Center for Economic Growth, the Kansas Chamber of Liberty, the Kansas National Education Association, and several private citizens provided written-only opponent testimony.

No other testimony was provided.

The Senate Committee amended the concurrent resolution to limit the actions of the convention of states to proposing amendments to the *U.S. Constitution*.