

SESSION OF 2021

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

As Amended by Senate Committee on Federal
and State Affairs

Brief*

SCR 1611, as amended, 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resolution states this application and all previously adopted applications calling a convention of the states will be rescinded if no such convention is called by Congress within two years of adoption of the resolution.

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 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 the Senate Committee on Federal and State Affairs at the request of Senator Alley.

Senate Committee on Federal and State Affairs

In the Senate Committee hearing, three representatives of Convention of States Action 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.

A representative of Kansans for Constitutional Integrity, a representative of Convention of States Action, the Coffey County Board of County Commissioners, and 19 private citizens provided written-only proponent testimony.

The president of Citizens Against an Article V Convention, a representative of Kansas Campaign for Liberty, and a Washburn University law professor provided **opponent** testimony. Opponents 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.

Representatives of Kansas Action for Children, Kansas Campaign for Liberty, and the Kansas Chamber of Liberty and two private citizens provided written-only opponent testimony.

No neutral testimony was provided.

The Senate Committee amended the bill to add a provision rescinding the application, and any previous applications for a convention of states, if a convention of states is not called by Congress within two years of adoption of the resolution.

Fiscal Information

No fiscal note was available when the Senate Committee took action.

Convention of states; U.S. Constitution; federal government; limitations