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LEGISLATURE *of* THE STATE *of* KANSAS
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MEMORANDUM

To: House Federal and State Affairs Committee

From: Mike Heim

Date: Feb. 28, 2024

Subject: HB 2807

HB 2807 provides that when an Article V convention is called, the Kansas delegates to the convention shall be appointed as follows:

- (1) The speaker of the house of representatives and the speaker pro tem of the house of representatives shall each appoint one delegate and one alternate delegate;
- (2) the president of the senate and the vice president of the senate shall each appoint one delegate and one alternate delegate;
- (3) the majority party caucus of the house of representatives shall appoint two delegates and two alternate delegates;
- (4) the majority party caucus of the senate shall appoint one delegate and one alternate delegate;
- (5) the minority leader of the house of representatives and the minority leader of the senate shall each appoint one delegate and one alternate delegate; and
- (6) the minority party caucus of the house of representatives and the minority party caucus of the senate shall each appoint one delegate and one alternate delegate.

All delegates and alternate delegates appointed shall be elected or appointed and qualified to serve as members of the Kansas legislature at the time of appointment. Each delegate may be recalled by the appointing authority for the delegate. The legislature also may recall any delegate by adoption of a concurrent resolution by a majority of the members of both houses. Any delegate that is recalled shall be replaced by the alternate delegate appointed by the same appointing authority that appointed the recalled delegate.

House Federal & State Affairs
February 29, 2024
Attachment 1

The delegate appointed by the speaker of the house of representatives shall be the chairperson of the delegation and the delegate appointed by the president of the senate shall be the vice chairperson of the delegation

Each delegate and alternate delegate shall reaffirm an oath to support the constitution of the United States and the constitution of the state of Kansas and faithfully abide by and execute any instructions to delegates and alternate delegates adopted by the legislature.

Only the chairperson, or the vice chairperson if the chairperson is unavailable, may cast a vote for the delegation at an Article V convention.

Any vote cast for the delegation shall be approved by a majority of the delegates prior to the vote being cast. No delegate shall consider or vote for any unauthorized amendment. A vote cast by the delegation on an unauthorized amendment or on any other measure that is outside the scope of the limits placed by the Article V application or any instructions provided by the legislature shall be void. A vote cast by the delegation that was not approved by a majority of the delegation shall be void.

It shall be a violation for any delegate to vote in favor of an unauthorized amendment. Such violation is deemed to have occurred regardless of whether the delegation, as a whole, cast a vote in favor of such unauthorized amendment. Such violation shall constitute grounds for immediate recall of such delegate.

The legislative coordinating council shall review allegations of a violation. The legislative coordinating council may provide a written recommendation to the attorney general recommending further investigation and possible prosecution of any violation.

Violation of section 4 (duties of delegates) is a severity level 6, nonperson felony—presumptive probation unless a prior criminal record.