

SESSION OF 2019

**SUPPLEMENTAL NOTE ON HOUSE CONCURRENT
RESOLUTION NO. 5009**

As Recommended by House Committee on
Federal and State Affairs

Brief*

HCR 5009 would serve 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 would be a continuing application to Congress for the convention of states until two-thirds of state legislatures have made application to Congress on the same subject.

The resolution would make the following findings and conclusions regarding 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;

*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 federal government has ceased to live under a proper interpretation of the *U.S. Constitution*; and
- It is the solemn duty of the states to protect the liberty of the people by proposing amendments to the *U.S. Constitution* under Article V for the purpose of restraining the abuses of power identified in the resolution.

The resolution also would require the Chief Clerk of the Kansas House of Representatives 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 the U.S. House and Senate, and the presiding officers of the Kansas legislative chambers.

Background

The resolution was introduced in the House Committee on Federal and State Affairs at the request of Representatives Burris and Eric Smith.

At the House Committee hearing, a former U.S. Senator from Oklahoma; representatives of Citizens for Self-Governance, Convention of States, and the Convention of States Project; and four private citizens testified in favor of the resolution. Written-only proponent testimony was provided by 14 private citizens.

Representatives of the Kansas Campaign for Liberty, a law professor, and a private citizen testified in opposition to the resolution. Written-only opponent testimony was provided by the Center on Budget and Policy Priorities, Kansas Action for Children, the Kansas Center for Economic Growth, the Kansas National Education Association, a Georgetown University Law Center professor, and ten private citizens. No neutral testimony was provided.

There was no fiscal note available at the time the House Committee took action.