

HOUSE BILL No. 2807

By Committee on Federal and State Affairs

Requested by Representative E. Smith

2-19

1 AN ACT concerning conventions under article V of the constitution of the
2 United States; prescribing the appointment and qualifications of
3 delegates; duties and responsibilities thereof; providing penalties for
4 violations.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. The provisions of sections 1 through 8, and amendments
8 thereto, shall apply whenever an article V convention is called.

9 Sec. 2. As used in sections 1 through 8, and amendments thereto:

10 (a) "Alternate delegate" means an individual appointed as provided
11 by Kansas law as an alternate delegate to act in place of an absent delegate
12 of the state of Kansas at an article V convention;

13 (b) "article V application" means a concurrent resolution adopted by
14 both houses of the legislature that calls for an article V convention;

15 (c) "article V convention" means a convention for proposing
16 amendments to the constitution of the United States called for by the states
17 under article V of the constitution of the United States;

18 (d) "delegate" means an individual appointed as provided by Kansas
19 law to represent the state of Kansas at an article V convention; and

20 (e) "unauthorized amendment" means a proposed amendment to the
21 constitution of the United States that is outside of the scope of the subject
22 matter of the article V application or the call of the article V convention.

23 Sec. 3. (a) Whenever an article V convention is called, the Kansas
24 delegates to such convention shall be appointed as follows:

25 (1) The speaker of the house of representatives and the speaker pro
26 tem of the house of representatives shall each appoint one delegate and
27 one alternate delegate;

28 (2) the president of the senate and the vice president of the senate
29 shall each appoint one delegate and one alternate delegate;

30 (3) the majority party caucus of the house of representatives shall
31 appoint two delegates and two alternate delegates;

32 (4) the majority party caucus of the senate shall appoint one delegate
33 and one alternate delegate;

34 (5) the minority leader of the house of representatives and the
35 minority leader of the senate shall each appoint one delegate and one

1 alternate delegate; and

2 (6) the minority party caucus of the house of representatives and the
3 minority party caucus of the senate shall each appoint one delegate and
4 one alternate delegate.

5 (b) All delegates and alternate delegates appointed pursuant to
6 subsection (a) shall be elected or appointed and qualified to serve as
7 members of the Kansas legislature at the time of appointment.

8 (c) The term for each delegate and alternate delegate appointed
9 begins with the call of the article V convention and ends on the day of the
10 final adjournment of the convention, unless the delegate is recalled.

11 (d) Each delegate may be recalled by the appointing authority for
12 such delegate. The legislature also may recall any delegate by adoption of
13 a concurrent resolution by a majority of the members of both houses. Any
14 delegate that is recalled shall be replaced by the alternate delegate
15 appointed by the same appointing authority that appointed the recalled
16 delegate. When an alternate delegate is appointed as a delegate, the
17 appointing authority that appointed the alternate delegate shall appoint a
18 new alternate delegate.

19 (e) Any vacancy in the delegation shall be filled by the alternate
20 delegate appointed by the same appointing authority that appointed the
21 delegate whose position becomes vacant. When an alternate delegate is
22 appointed as a delegate, the appointing authority that appointed the
23 alternate delegate shall appoint a new alternate delegate.

24 (f) Alternate delegates shall not travel to or attend the article V
25 convention unless named as a delegate to fill a vacancy in a delegate
26 position.

27 (g) The secretary of state shall certify in writing to the article V
28 convention the identity of the delegates appointed or recalled and the
29 filling of any delegation vacancy.

30 Sec. 4. (a) Each delegate and alternate delegate shall reaffirm an oath
31 to support the constitution of the United States and the constitution of the
32 state of Kansas and faithfully abide by and execute any instructions to
33 delegates and alternate delegates adopted by the legislature.

34 (b) The delegate appointed by the speaker of the house of
35 representatives shall be the chairperson of the delegation and the delegate
36 appointed by the president of the senate shall be the vice chairperson of the
37 delegation.

38 (c) Only the chairperson, or the vice chairperson if the chairperson is
39 unavailable, may cast a vote for the delegation at an article V convention.
40 Any vote cast for the delegation shall be approved by a majority of the
41 delegates prior to the vote being cast.

42 (d) No delegate shall consider or vote for any unauthorized
43 amendment. A vote cast by the delegation on an unauthorized amendment

1 or on any other measure that is outside the scope of the limits placed by
2 the article V application or any instructions provided by the legislature
3 shall be void. A vote cast by the delegation that was not approved by a
4 majority of the delegation shall be void.

5 Sec. 5. (a) Delegates are authorized to propose or negotiate proposed
6 rules for an article V convention and proposed constitutional amendments.
7 The delegation shall vote or otherwise act with respect to any proposed
8 rules or constitutional amendments in accordance with any concurrent
9 resolution adopted under section 6, and amendments thereto.

10 (b) The revisor of statutes, or the revisor's designee, shall attend the
11 article V convention and serve as legal counsel for the delegates for
12 negotiations on any proposed rules or constitutional amendments.

13 (c) The chief clerk of the house of the representatives, or the chief
14 clerk's designee, and the secretary of the senate, or the secretary's
15 designee, shall attend the article V convention and shall prepare daily
16 reports on the sessions of the convention and the meetings of the
17 delegation. Such reports shall be submitted each day to the members of the
18 legislature.

19 Sec. 6. The delegation appointed pursuant to section 3, and
20 amendments thereto, shall be considered the voice of the legislature at an
21 article V convention. The legislature may provide instructions to the
22 delegates at any time by adoption of a concurrent resolution by a majority
23 of the members of both houses. During an article V convention, the
24 chairperson of the delegation shall maintain regular communication with
25 the speaker of the house of representatives, the president of the senate and
26 such other officers of the legislature as designated by concurrent
27 resolution, or such officers' designees.

28 Sec. 7. Members of the delegation shall be paid amounts for
29 expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and
30 amendments thereto.

31 Sec. 8. (a) It shall be a violation of section 4, and amendments
32 thereto, for any delegate to vote in favor of an unauthorized amendment.
33 Such violation is deemed to have occurred regardless of whether the
34 delegation, as a whole, cast a vote in favor of such unauthorized
35 amendment. Such violation shall constitute grounds for immediate recall
36 of such delegate.

37 (b) The legislative coordinating council shall review allegations of a
38 violation of section 4, and amendments thereto. Upon the completion of
39 such review, the legislative coordinating council may provide a written
40 recommendation to the attorney general recommending further
41 investigation and possible prosecution of any violation.

42 (c) Violation of section 4, and amendments thereto, is a severity level
43 6, nonperson felony.

1 Sec. 9. This act shall take effect and be in force from and after its
2 publication in the statute book.