

SESSION OF 2023

**SUPPLEMENTAL NOTE ON HOUSE CONCURRENT
RESOLUTION NO. 5005**

As Amended by House Committee of the Whole

Brief*

HCR 5005, as amended, if adopted by a two-thirds majority of each chamber of the Kansas Legislature, 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 propose an amendment to the *U.S. Constitution* that would impose term limits on members of Congress.

The resolution contains whereas clauses stating the conditions that would require Congress to call a convention of states and setting out legislative findings regarding the role of special interests in elections and how that role would be impacted by term limits.

The resolution also contains whereas clauses stating the State's delegation would be made up equally of individuals elected to state and local offices, or that such delegation would be made up of individuals selected by election in each congressional district, and prohibits past or present federal office holders from being a delegate. Further, the resolution states the State intends to retain the ability to enforce the responsibility and conduct of its delegation as expressed in the resolution.

The resolution requires the Secretary of State to send an enrolled copy of the resolution to the President and Vice President of the United States, the President Pro Tempore of the U.S. Senate, the Speaker and the Minority Leader of the

*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>

U.S. House of Representatives, the Kansas members of the U.S. House and Senate, the presiding officers of the Kansas legislative chambers, and to the presiding officers of each legislative body of each of the states. The resolution further requests that the text of the resolution be printed in the Congressional Record.

Background

The resolution was introduced by Representatives Sutton, Barth, Bergkamp, Bryce, B. Carpenter, W. Carpenter, Croft, Eplee, Essex, Fairchild, Garber, Goetz, Hill, Hoffman, Howe, Howell, Kessler, Lewis, Minnix, Moser, Murphy, Neelly, Owens, Penn, Pickert, Roth, Sanders, Schmoe, Seiwert, A. Smith, Tarwater, Thomas, Thompson, Turk, Wasinger, and L. Williams in the House Committee of the Whole on January 23, 2023.

House Committee on Federal and State Affairs

In the House Committee on Federal and State Affairs hearing, three representatives of U.S. Term Limits provided **proponent** testimony, stating a term limit Constitutional Amendment could keep members of Congress accountable to their constituencies and allow for a wider variety of candidates to run for office.

Opponent testimony was provided by representatives of Guard the Constitution and the Kansas Campaign for Liberty. The opponents expressed their concern with the potential for unintended consequences that could be the result of an Article V convention. Written-only opponent testimony was provided by five private citizens.

No other testimony was provided.

House Committee of the Whole

On March 7, 2023, the House Committee of the Whole amended the resolution to include language requiring a two-thirds majority of each legislative chamber to concur before adoption of the resolution. [*Note: The Kansas Constitution, Article 2, Section 13, requires a two-thirds majority of each chamber vote in the affirmative to make application for a Convention of States to propose amendments to the U.S. Constitution.*]

Fiscal Information

No fiscal note was available when the House Committee on Federal and State Affairs or the House Committee of the Whole took action.

Convention of States; U.S. Constitution; Congress; term limits