

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 5010

As Amended by House Committee of the Whole

Brief*

HCR 5010 would serve as Kansas' application to Congress, under the provisions of Article V of the *U.S. Constitution*, for the calling of a convention of the states. The convention would be limited to proposing amendments to the *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 concurrent resolution would specify that it must be approved by two-thirds of the members elected to both the House of Representatives and the Senate.

The concurrent 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 concurrent 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 concurrent resolution.

The concurrent resolution also would require the Chief Clerk of the Kansas House of Representatives to send an enrolled copy of the concurrent resolution to the President and Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the Kansas members of the United States House and Senate, and the presiding officers of the Kansas legislative chambers.

Background

At the hearing in the House Committee on Federal and State Affairs, former U.S. Senator Tom Coburn, Senator Abrams, a representative from the Kansas Association of Counties, a representative of the National Federation of Independent Businesses, and three citizens testified in favor of the concurrent resolution. Written testimony in support of the concurrent resolution was submitted by four citizens.

Testimony in opposition to the concurrent resolution was presented by a representative of the Patriot Coalition and by five citizens. Written testimony in opposition to the bill was submitted by three citizens.

There was no neutral testimony on the concurrent resolution.

The House Committee held an informational hearing on the concurrent resolution on February 18, 2016. Former U.S. Senator Tom Coburn appeared before the Committee to

discuss his support for the concurrent resolution and answer questions from Committee members.

The House Committee of the Whole amended the concurrent resolution to specify that two-thirds of the members elected to both the House of Representatives and the Senate must approve the concurrent resolution.

No fiscal note was available on the concurrent resolution at the time the House Committee of the Whole took action.