

## HOUSE BILL No. 2722

By Committee on Federal and State Affairs

3-1

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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; requiring legislative  
4 approval prior to final vote by delegates.  
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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. The provisions of sections 1 through 6, and amendments  
8 thereto, shall apply whenever an article V convention is called.

9 Sec. 2. As used in sections 1 through 6, 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 speaker of  
24 the house of representatives, the president of the senate and the governor  
25 shall each appoint one delegate to represent Kansas and one alternate  
26 delegate. The legislature shall appoint two delegates to represent Kansas  
27 and two alternate delegates by adoption of a concurrent resolution by a  
28 majority of the members of both houses.

29 (b) The term for each delegate and alternate delegate appointed  
30 begins with the call of the article V convention and ends on the day of the  
31 final adjournment of the convention, unless the delegate is recalled.

32 (c) Each delegate may be recalled by the appointing authority for  
33 such delegate. The legislature also may recall any delegate by adoption of  
34 a concurrent resolution by a majority of the members of both houses. Any  
35 delegate that is recalled shall be replaced by the alternate delegate  
36 appointed by the same appointing authority that appointed the recalled

1 delegate. When an alternate delegate is appointed as a delegate, the  
2 appointing authority that appointed the alternate delegate shall appoint a  
3 new alternate delegate.

4 (d) Any vacancy in the delegation shall be filled as provided in  
5 subsection (a) by the same appointing authority that appointed the delegate  
6 whose position is vacant.

7 (e) The secretary of state shall certify in writing to the article V  
8 convention the identity of the delegates appointed or recalled and the  
9 filling of any delegation vacancy.

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

14 (b) Only the delegates appointed by the legislature under section 3,  
15 and amendments thereto, may cast a vote for the delegation at an article V  
16 convention. Such delegates shall not vote to consider or approve any  
17 unauthorized amendment. Except for a vote on a proposed rule or  
18 constitutional amendment that is subject to section 6, and amendments  
19 thereto, any vote cast for the delegation shall be approved by a majority of  
20 the delegates prior to the vote being cast.

21 (c) A vote cast by a delegate on an unauthorized amendment or on  
22 any other measure that is outside the scope of the limits placed by the  
23 article V application or any instructions provided by the legislature shall be  
24 void.

25 Sec. 5. (a) Delegates are authorized to propose or negotiate proposed  
26 rules for an article V convention and proposed constitutional amendments.  
27 No delegate shall cast a final vote to approve or adopt any such proposed  
28 rules or constitutional amendments unless such proposed rules or  
29 constitutional amendments have been submitted and approved in  
30 accordance with section 6, and amendments thereto. Delegates shall vote  
31 or otherwise act with respect to any proposed rules or constitutional  
32 amendments in accordance with any concurrent resolution adopted under  
33 section 6, and amendments thereto.

34 (b) The attorney general shall serve as legal counsel for the delegates  
35 for negotiations on any proposed rules or constitutional amendments.

36 Sec. 6. (a) When any proposed rules for an article V convention or  
37 any proposed constitutional amendments drafted during an article V  
38 convention are presented to the delegates for a final vote on the adoption  
39 or approval of such rules or constitutional amendments, a delegate  
40 appointed by the legislature under section 3, and amendments thereto,  
41 shall submit such proposed rules or constitutional amendments to the  
42 governor, the speaker of the house of representatives, the president of the  
43 senate and the attorney general. Not later than the next business day after

1 receipt of such proposed rules or constitutional amendments, the speaker  
2 of the house of representatives and the president of the senate shall mail  
3 and electronically transmit a copy of such rules or constitutional  
4 amendments to each member of such officer's respective house.

5 (b) (1) If the legislature is in session at the time proposed rules or  
6 constitutional amendments are submitted by the delegate pursuant to  
7 subsection (a), then within five days after receipt of such rules or  
8 constitutional amendments, the speaker of the house of representatives and  
9 the president of the senate shall refer such rules or constitutional  
10 amendments to the standing committee on federal and state affairs for such  
11 officer's respective house.

12 (2) Each standing committee on federal and state affairs shall  
13 recommend approval, rejection or a modification of the proposed rules or  
14 constitutional amendments. Within five days after a final vote on any  
15 action taken by the committee pursuant to this section, the committee shall  
16 introduce a concurrent resolution that reflects the action of the committee.

17 (3) The legislature may adopt any concurrent resolution approving,  
18 rejecting or recommending modifications to proposed rules or  
19 constitutional amendments. If the legislature adjourns sine die without  
20 adopting a concurrent resolution pursuant to this section, the legislature  
21 shall be deemed to have approved such rules or constitutional  
22 amendments.

23 (c) (1) If the legislature is not in session at the time proposed rules or  
24 constitutional amendments are submitted pursuant to subsection (a), then  
25 within five days after receipt of such rules or constitutional amendments,  
26 the legislative coordinating council shall determine whether such rules or  
27 constitutional amendments are of great importance to the state of Kansas.

28 (2) If the legislative coordinating council determines the proposed  
29 rules or constitutional amendments are of great importance to the state of  
30 Kansas, the council shall recommend that the governor call a special  
31 session for the purpose of considering such rules or constitutional  
32 amendments. Upon such determination, a special session may be called by  
33 the governor by proclamation and shall be called by the governor upon  
34 submission of a petition by the legislature pursuant to section 5 of article 1  
35 of the constitution of the state of Kansas.

36 (3) If a special session is called, the proposed rules or constitutional  
37 amendments shall be reviewed by the legislature pursuant to subsection  
38 (b). If no special session is called within 30 days after such rules or  
39 constitutional amendments are submitted pursuant to subsection (a), the  
40 legislature shall be deemed to have approved such rules or constitutional  
41 amendments.

42 (d) If any proposed rules or constitutional amendments have been  
43 submitted pursuant to this section and are subsequently amended or

1 otherwise modified during an article V convention, such amended or  
2 modified rules or constitutional amendments shall be resubmitted pursuant  
3 to subsection (a) and shall be subject to the provisions of this section.

4 (e) The legislature may provide instructions to the delegates at any  
5 time by adoption of a concurrent resolution by a majority of the members  
6 of both houses.

7 Sec. 7. This act shall take effect and be in force from and after its  
8 publication in the statute book.