Session of 2025

HOUSE BILL No. 2065

By Committee on Federal and State Affairs

Requested by Representative Sanders

1-23

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

Be it enacted by the Legislature of the State of Kansas:

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

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

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

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

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

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

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

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

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

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

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

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

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

alternate delegate; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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