

February 3, 2025

The Honorable Tom Kessler, Chairperson
House Committee on Federal and State Affairs
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Representative Kessler:

SUBJECT: Fiscal Note for HB 2065 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2065 is respectfully submitted to your committee.

HB 2065 would provide for the appointment of delegates to a convention under Article V of the *Constitution of the United States* and prescribe the duties and responsibilities of the delegates. Whenever an Article V Convention of States is called, the Kansas delegates would be appointed. The Speaker of the House and the Speaker Pro Tempore would each appoint one delegate and one alternate delegate. The President and the Vice President of the Senate would each appoint one delegate and one alternate delegate. The Majority Party caucus of the House would appoint two delegates and two alternate delegates. The Majority Party caucus of the Senate would appoint one delegate and one alternate delegate. The Minority Leader of the House and Senate would each appoint one delegate and one alternate delegate. The Minority Party caucus of the House and the Senate would each appoint one delegate and one alternate delegate. Alternate delegates could not travel to or attend an Article V Convention of States unless named as a delegate to fill a vacancy in a delegate position.

The Secretary of State would certify in writing, to the Article V Convention of States, the identity of the delegates appointed. Each delegate and alternate delegate would affirm an oath to uphold the *Constitution of the United States* and the *Constitution of the State of Kansas* and abide by and execute any instructions to delegates and alternate delegates adopted by the Legislature. The delegate appointed by the Speaker of the House would serve as chairperson of the delegation and the delegate appointed by the President of the Senate would serve as vice chairperson. Only the chairperson, or the vice chairperson if the chairperson is unavailable, could cast a vote for the

delegation. Any vote being cast would be required to be approved by a majority of the delegates prior to the votes being cast.

The Revisor of Statutes, or the Revisor's designee, would attend the Article V Convention of States and serve as legal counsel for the delegates for negotiations on any proposed rules or constitutional amendments. The Chief Clerk of the House, or the Chief Clerk's designee, and the Secretary of the Senate, or the Secretary's designee, would attend the and prepare daily reports on the sessions of the convention and the meetings of the delegation. These reports would be submitted each day to the members of the Legislature. Members of the delegation would be reimbursed expenses, mileage, and subsistence as outlined in KSA 75-3223(e).

Delegates voting in favor of an unauthorized amendment would be in violation of provisions of the bill which would constitute grounds for immediate recall of the delegate. The Legislative Coordinating Council (LCC) would review any allegations of violations. The LCC may provide a written recommendation to the Attorney General recommending further investigation and possible prosecution of any violation. A violation would be considered a severity level 6, nonperson felony. The bill would take effect upon publication in the statute book.

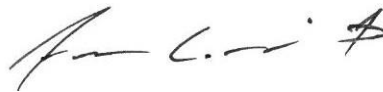
To illustrate a fiscal effect of the enactment of HB 2065, Legislative Administrative Services (LAS) uses an example utilizing FY 2025 costs for an Article V convention for four days. However, with the enactment upon publication in the statute book, the bill would not become effective until FY 2026, with additional expenditures as a result from inflation. LAS would also assume the LCC would approve reimbursement for all eleven delegates and three named legislative staff in the bill. LAS estimates the total cost of the convention totaling \$48,367 from the State General Fund, with the following estimates: flight expenses—\$10,500 (\$750 airfare X 14 legislators and staff = \$10,500); hotel expenses—\$16,800 (\$300 nightly rate X 4 days X 14 legislators and staff = \$16,800); meal expenses—\$4,760 (\$85 X 4 days X 14 legislators and staff = \$4,760); mileage expenses—\$2,940 (\$0.70 per mile X 300 average miles X 14 legislators and staff = \$2,940); miscellaneous expense—\$4,200 (\$300 X 14 legislators and staff = \$4,200); salary expense—\$7,568 (\$172 per day X 4 days X 11 legislators = \$7,568); and estimated employer fringe benefits—\$1,599.

The Kansas Sentencing Commission notes that the enactment of the bill would add circumstances for potential violations that would be a severity level 6, nonperson felony, which could lead to arrests and convictions. However, any convictions for a severity level 6, nonperson felony would likely result in probation. As a result, the Kansas Sentencing Commission reports that any effect on prison admissions from any violations of the bill would be negligible.

The Secretary of State indicates that the agency would utilize its existing resources to implement provisions of the bill would not have a fiscal effect. The Attorney General indicates that any new investigative or prosecutorial responsibilities resulting from the enactment of the bill would be performed within the agency's current workload. However, there would be a likelihood that provisions of the bill would be challenged in court. The agency cannot estimate the fiscal effect for the resources required from legal challenges.

HB 2065 would have the potential for increasing litigation in the courts because of the new felony violation created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to estimate the number of additional court cases that would arise or how complex and time-consuming they would be; as a result, a fiscal effect cannot be estimated. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources. The enactment of the bill could result in the collection of supervision fees in cases filed, as well as the increased collection of docket fees and supervision fees in those cases filed under the provisions of the bill, which would be deposited in the State General Fund. However, any estimate of additional revenues cannot be made. Any fiscal effect associated with HB 2065 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Tom Day, Legislative Services
Scott Schultz, Kansas Sentencing Commission
Sandy Tompkins, Office of the Secretary of State
Trisha Morrow, Judiciary
Matt Bingesser, Office of the Attorney General