

Senate Concurrent Resolution No. 1615

By Senators Pilcher-Cook, Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Emler, Huelskamp, Kelsey, Lynn, Marshall, Master-son, McGinn, Morris, Ostmeyer, Petersen, Pyle, D. Schmidt, Scho-dorf, Taddiken, Vratil and Wagle

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13 A CONCURRENT RESOLUTION claiming sovereignty under the
14 Tenth Amendment to the Constitution of the United States over cer-
15 tain powers; serving notice to the federal government to cease and
16 desist certain mandates; providing that certain federal legislation be
17 prohibited or repealed; and directing distribution.
18

19 WHEREAS, The Tenth Amendment to the Constitution of the United
20 States reads as follows:

21 “The powers not delegated to the United States by the Constitution,
22 nor prohibited by it to the States, are reserved to the States respectively,
23 or to the people.”; and

24 WHEREAS, The Tenth Amendment defines the total scope of federal
25 power as being that specifically granted by the Constitution of the United
26 States and no more; and

27 WHEREAS, The scope of power defined by the Tenth Amendment
28 means that the federal government was created by the states for the
29 specific purpose of being an agent of the states; and

30 WHEREAS, Today, in ~~2009~~ **2010**, the states are demonstrably treated
31 as agents of the federal government; and

32 WHEREAS, Many federal laws are in direct violation of the Tenth
33 Amendment to the Constitution of the United States; and

34 WHEREAS, The Tenth Amendment assures that we, the people of
35 the United States of America and each sovereign state in the Union of
36 States, now have, and have always had, rights the federal government may
37 not usurp; and

38 WHEREAS, Article IV, Section 4 says, “The United States shall guar-
39 antee to every State in this Union a Republican Form of Government”,
40 and the Ninth Amendment states that “The enumeration in the Consti-
41 tution, of certain rights, shall not be construed to deny or disparage others
42 retained by the people”; and

43 WHEREAS, The United States Supreme Court has ruled in *New York*

1 *v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply
2 commandeer the legislative and regulatory processes of the states; and

3 WHEREAS, A number of proposals from previous administrations
4 and some now pending from the present administration and from Con-
5 gress may further violate the Constitution of the United States.

6 *Be it resolved by the Senate of the State of Kansas, the House of Rep-*
7 *resentatives concurring therein:* That the State of Kansas hereby claims
8 sovereignty under the Tenth Amendment to the Constitution of the
9 United States over all powers not otherwise enumerated and granted to
10 the federal government by the Constitution of the United States;

11 *Be it further resolved:* That this serve as Notice and Demand to the
12 federal government, as our agent, to cease and desist, effective immedi-
13 ately, mandates that are beyond the scope of these constitutionally del-
14 egated powers;

15 *Be it further resolved:* That all compulsory federal legislation which
16 directs states to comply under threat of civil or criminal penalties or sanc-
17 tions or requires states to pass legislation or lose federal funding be pro-
18 hibited or repealed; and

19 *Be it further resolved:* That a copy of this resolution be distributed
20 to the President of the United States, the President of the United States
21 Senate, ***the Majority Leader of the United States Senate***, the Speaker
22 of the United States House of Representatives, the Speaker of the House
23 and the President of the Senate of each state's legislature of the United
24 States of America, and each member of the Kansas Congressional
25 Delegation.