

House Concurrent Resolution No. 5023

By Representatives B. Carpenter, Anthimides, Barton, Boldra, Bradford, W. Carpenter, Claeys, Corbet, DeGraaf, Dove, Esau, Estes, Ewy, Garber, Goico, Gonzalez, Hawkins, Hedke, Highland, Hil,dabrand, Hoffman, Houser, Huebert, Hutchins, Hutton, D. Jones, K. Jones, Kahrs, Kelley, Kiegerl, Kleeb, Lunn, Mason, Mast, McPherson, Merrick, O'Brien, Osterman, Pauls, Peck, R. Powell, Rahjes, Read, Rhoades, Rubin, Ryckman, Ryckman Sr., Scapa, Suellentrop, Sutton, Thimesch, Thompson, Todd, Vickrey, Weber, Whitmer and K. Williams

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1 A CONCURRENT RESOLUTION reaffirming 10th Amendment rights.

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3 WHEREAS, The 10th Amendment to the Constitution of the United
4 States specifically provides that, "The powers not delegated to the United
5 States by the Constitution, nor prohibited by it to the States, are reserved
6 to the States respectively, or to the people"; and

7 WHEREAS, The 10th Amendment was part of the original Bill of
8 Rights, which was proposed on September 25, 1789, ratified by three-
9 fourths of the states, and went into effect on December 15, 1791; and

10 WHEREAS, The 10th Amendment limits the scope of federal power
11 and prescribes that the federal government was created by the states
12 specifically to be an agent of the states, rather than the states being agents
13 of the federal government; and

14 WHEREAS, When taking the oath of office, all members of the
15 Kansas Legislature solemnly swear that they will support the Constitution
16 of the United States and the Constitution of the state of Kansas; and

17 WHEREAS, Many federal mandates are in direct violation of the 10th
18 Amendment to the Constitution of the United States and infringe upon
19 both the reserved powers of Kansas and the people's reserved powers; and

20 WHEREAS, The United States Supreme Court ruled in *New York v.*
21 *United States*, 505 U.S. 144 (1992), that Congress may not simply
22 commandeer the legislative and regulatory processes of the states by
23 compelling them to enact and enforce regulatory programs; and

24 WHEREAS, The United States Supreme Court, in *Printz v. United*
25 *States*, 521 U.S. 898 (1997), reaffirmed that the Constitution of the
26 United States established a system of "dual sovereignty" that retains "a
27 residuary and inviolable sovereignty" by the states: Now, therefore,

28 *Be it resolved by the House of Representatives of the State of Kansas,*
29 *the Senate concurring therein:* That Kansas hereby claims sovereignty
30 under the 10th Amendment to the Constitution of the United States over
31 all powers not otherwise enumerated and granted to the federal

1 government by the Constitution of the United States; and

2 *Be it further resolved:* That this resolution shall serve notice to the
3 federal government of our demand to maintain the balance of powers
4 where the Constitution of the United States established it; and

5 *Be it further resolved:* That we state our intentions to ensure that all
6 government agencies and their agents and employees operating within the
7 geographic boundaries of Kansas, or whose actions have an effect on the
8 inhabitants, lands or water of Kansas, shall operate within the confines of
9 the original intent of the Constitution of the United States; and

10 *Be it further resolved:* That the Secretary of State shall send an
11 enrolled copy of this resolution to the President of the United States, the
12 President pro tempore of the United States Senate, the Speaker of the
13 United States House of Representatives and each member of the
14 congressional delegation of Kansas.