

## **Senate Concurrent Resolution No. 1614**

By Senator Hilderbrand

5-7

---

1 A CONCURRENT RESOLUTION calling for the creation of a national  
2 federalism task force for the purpose of convening federalism summits  
3 to develop plans for restoring and maintaining clearly discernable  
4 divisions in the roles and responsibilities of the national government  
5 and the states.  
6

7 WHEREAS, Our unique governing system in the United States was  
8 designed to federate diverse states and people for vital national  
9 concerns while preserving to the American people the benefits of self-  
10 government – a form of government that is efficient, effective and  
11 accountable and that amplifies their governing voice; and

12 WHEREAS, To accomplish this objective, in the Federalist Papers No.  
13 39, James Madison and the other framers of the Constitution of the  
14 United States designed a new hybrid form of government that was part  
15 "general" (called the federal government today) and part "federal" (a  
16 federation of the states), with clear divisions in the roles and  
17 responsibilities assigned to the national government and to the state  
18 governments; and

19 WHEREAS, In the Federalist Papers No. 51, James Madison specified  
20 that a clear division of governing responsibilities was essential to this  
21 new form of government to provide "a double security... to the rights  
22 of the people" against overreach from either the state government or  
23 the federal government because "the different governments will  
24 control each other"; and

25 WHEREAS, During the Pennsylvania Ratifying Convention of the  
26 Constitution of the United States, James Wilson marveled at "the  
27 accuracy with which the line is drawn between the powers of the  
28 general government and those of the particular state governments,"  
29 observing "the powers are as minutely enumerated as was possible";  
30 and

31 WHEREAS, During the New York Ratifying Convention of the  
32 Constitution of the United States, Alexander Hamilton admonished  
33 that "this balance between the national and state governments ought to  
34 be dwelt on with peculiar attention, as it is of the utmost importance. It  
35 forms a double security to the people"; and

36 WHEREAS, James Wilson, a signer of the Constitution of the United

1 States and an original United States Supreme Court Justice, stated, "I  
2 think there is another subject with regard to which this Constitution  
3 deserves approbation: I mean the accuracy with which the line is  
4 drawn between the powers of the general government and those of the  
5 particular state governments"; and

6 WHEREAS, By all accounts, there is no clearly discernible division of  
7 roles and responsibilities between the federal government and the  
8 states today; and

9 WHEREAS, Many Americans feel frustrated that government is not  
10 efficient, effective or accountable, and, sensing that something is  
11 wrong with our governing system, they increasingly disengage from  
12 government because they believe their voices do not matter anymore;  
13 and

14 WHEREAS, In their joint dissent in *NFIB v. Sebelius*, Justices Kennedy,  
15 Scalia, Thomas and Alito warned of the consequences of allowing our  
16 system to atrophy, writing, "the fragmentation of power produced by  
17 the structure of our Government is central to liberty, and when we  
18 destroy it, we place liberty at peril"; and

19 WHEREAS, In his farewell address, George Washington admonished all  
20 officers who are oath-bound under Article VI of the United States  
21 Constitution that "to preserve [this system of reciprocal checks] must  
22 be as important as to institute them"; and

23 WHEREAS, Divisions, limits and balance in the various governing  
24 powers, roles and responsibilities, and the self-governing engagement  
25 of the people are essential to the preservation of our system; and

26 WHEREAS, This singular system is the solution to securing the rights of  
27 the people to pursue their unique visions of happiness over an  
28 expansive and diverse union of states: Now, therefore,

29 *Be it resolved by the Senate of the State of Kansas, the House of*  
30 *Representatives concurring therein:* That on behalf of all citizens of  
31 this individual state, this legislature renews its commitment to  
32 preserving and reasserting its powers and authority over the full field  
33 of responsibilities and powers reserved to the states in the Constitution  
34 of the United States as specially protected by the Tenth Amendment;  
35 and

36 *Be it further resolved:* That this legislature urges its federal delegation to  
37 firmly support the Constitution of the United States and limit further  
38 federal action only to those areas of federal responsibility and powers  
39 specifically enumerated to the federal government, reserving all other  
40 areas to the action of the states; and

41 *Be it further resolved:* That this legislature calls upon the National  
42 Conference of State Legislatures, the Council of State Governments  
43 and the American Legislative Exchange Council to coordinate in the

1 creation of a National Federalism Task Force for the purpose of  
2 convening a series of federalism summits to consider and develop  
3 plans for restoring and maintaining clearly discernible divisions in the  
4 powers, roles and responsibilities of the general government and the  
5 states for the benefit and engagement of the American people; and

6 *Be it further resolved:* That the legislators of the several states desiring to  
7 participate in such summits seeking to restore the proper balance of  
8 federalism engage in shared correspondence toward advancing that  
9 goal; and

10 *Be it further resolved:* That the Secretary of State shall send an enrolled  
11 copy of this resolution to the Governor, the Kansas Congressional  
12 Delegation, the President of the Senate of the United States, the  
13 Speaker of the House of Representatives of the United States, the  
14 President and Vice President of the United States, the Governor and  
15 presiding officers of the legislatures of each of the other states and that  
16 a copy of this resolution be distributed to the representatives of the  
17 National Conference of State Legislatures, the Council of State  
18 Governments and the American Legislative Exchange Council.  
19