

Senate Concurrent Resolution No. 1613

By Senator Pilcher-Cook

3-25

1 A CONCURRENT RESOLUTION making application to the congress of
2 the United States to call a convention for the purpose of proposing an
3 amendment to the constitution of the United States with respect to
4 states' rights.

5
6 *Be it resolved by the Senate of the State of Kansas, the House of*
7 *Representatives concurring therein:* That pursuant to article V of the
8 constitution of the United States, the legislature of the state of Kansas
9 hereby makes application to the congress of the United States for the
10 calling of a constitutional convention for the sole purpose of proposing
11 the following article as an amendment to the constitution of the United
12 States:

13 "ARTICLE _____

14 "Section 1. The states and the citizens thereof have the sole and
15 exclusive authority to regulate directly, and to regulate indirectly through
16 taxes, the following subjects: Education; the time, place and manner of
17 elections; marriage and law relating to the family; firearms, ammunition
18 and their use; land use; the management of wildlife, game and fisheries;
19 health care; and all forms of insurance.

20 "Sec. 2. Section 1 is not an exclusive list of subjects that the states
21 may regulate. With respect to all other subjects, other than those
22 enumerated in sections 9 and 10 of article I, the states may regulate those
23 subjects. Congress may not exercise its enumerated powers to impliedly
24 preempt or otherwise impliedly displace state laws. The preemption or
25 displacement of such state laws may only occur if an act of congress
26 expressly and unmistakably states its intention to preempt or displace
27 state law."; and

28 *Be it further resolved:* That this application constitutes a continuing
29 application in accordance with article V of the constitution of the United
30 States until at least two-thirds of the several states shall have made
31 similar applications to the congress of the United States; and

32 *Be it further resolved:* That the secretary of state is hereby directed to
33 transmit copies of this resolution to the President of the United States, the
34 Secretary of the Senate of the United States, the Clerk of the House of
35 Representatives of the United States, each member of the Kansas
36 delegation in the United States Congress and to the legislatures of all

- 1 other states of the United States.