

SESSION OF 2010

**SUPPLEMENTAL NOTE ON  
SENATE CONCURRENT RESOLUTION NO. 1615**

As Amended by House Committee of the Whole

**Brief\***

SCR 1615, as amended, is a nonbinding resolution expressing the sentiment that:

- Kansas claims all powers not otherwise enumerated and granted to the federal government by the *Constitution of the United States*;
- Kansas serves notice and demand to the federal government to cease and desist mandates beyond the scope of these constitutionally delegated powers;
- That all federal legislation which violates the Tenth Amendment by threatening civil or criminal penalties or sanctions beyond the scope of these constitutionally delegated powers be prohibited, and
- That all federal legislation which violates the Tenth Amendment by exceeding the powers of Congress in requiring states to pass legislation or lose federal funding be prohibited.

A copy of the resolution would be provided by the Secretary of State to the President of the United States, the President of the United States Senate (the Vice President of the United States), the Majority and Minority Leader of the United States Senate, the Speaker of the United States House of

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Representatives, the Minority Leader of the United States House of Representatives, and each member of the Kansas Congressional Delegation.

## **Background**

The sponsors of SCR 1615 are Senators Pilcher-Cook, Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Emler, Hueskamp, Kelsey, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Petersen, Pyle, D. Schmidt, Schodorf, Taddiken, Vratil, and Wagle.

The proponents of the resolution, as introduced, who presented testimony in the Senate Committee hearing were Senator Mary Pilcher-Cook; Senator Timothy Huelskamp; Senator Dick Kelsey; and representatives from the Association of American Physicians and Surgeons; the University of Missouri, Kansas City; Topeka 912 Project; the South Central Kansas 912 Group; the Kansas 912.com; the Kansas State Rifle Association; the Kansas Sovereignty Coalition; and private citizens.

The opponent of the resolution, as introduced, who presented testimony in the Senate Committee hearing was a private citizen.

The Senate Committee made a technical amendment to correct the year in the resolution. Additionally, the Majority Leader of the United States Senate was added to the list of individuals who would receive a copy of the resolution.

The proponents of the resolution, as amended by the Senate Committee on Judiciary, who presented testimony in the House Committee hearing were Senator Pilcher-Cook, Senator Timothy Huelskamp, Senator Dick Kelsey, and representatives from the Wichita South Central Kansas 912 Group and private citizens. A representative of the Kansas Cattlemen's

Association also provided written testimony in support of the resolution.

A private citizen offered written testimony opposing the resolution, as amended by the Senate Committee on Judiciary.

The House Committee made several amendments to the resolution. As introduced, the resolution stated that many federal laws are in direct violation of the Tenth Amendment. The House Committee amended this statement to read that many federal laws “may be” in violation of the Tenth Amendment. Additionally, the House Committee revised a portion of the text to indicate that all federal legislation that violates the Tenth Amendment by threatening civil or criminal penalties, sanctions, or loss of federal funding should be prohibited, in lieu of the original text, which referred to “compulsory” legislation that “directs states to comply” using such threats. Finally, the House Committee clarified that the Secretary of State would be responsible for sending copies of the resolution to those persons it identifies and added to that list the minority leaders of the United States Senate and House of Representatives.

The House Committee of the Whole amended the resolution to read that civil or criminal penalties or sanctions beyond the scope of Congress’ constitutionally delegated powers should be prohibited. Similarly, it was amended to state that legislation that exceeds the powers of Congress by requiring states to pass legislation or lose federal funding should be prohibited. The Committee of the Whole also amended the resolution by striking “be distributed” in the final paragraph.

There is no fiscal note on the resolution.