

## House Concurrent Resolution No. 5016

By Representative Hildabrand

3-19

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

12 "ARTICLE \_\_\_\_\_

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

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

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

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

