

By: Creighton

H.C.R. No. 17

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, Article I of the United States Constitution begins
2 "All legislative powers herein granted shall be vested in
3 Congress," and

4 WHEREAS, the Congress has exceeded the legislative powers
5 granted in the Constitution thereby encroaching on the powers that
6 are "reserved to the states respectively, or to the people" as the
7 Tenth Amendment affirms and the rights "retained by the people" to
8 which the Ninth Amendment refers; and

9 WHEREAS, this encroachment includes the accumulation of
10 federal debt, which combined with interest represents a future tax,
11 and is of such great proportion that responsibility for its payment
12 will be passed to future, unborn generations of Americans to assume
13 without their consent, thereby disparaging their rights; and

14 WHEREAS, this encroachment also includes compelling state
15 and local governments to comply with federal laws and regulations
16 without accompanying funding for such mandates; and

17 WHEREAS, in Federalist No. 85, Alexander Hamilton wrote in
18 reference to Article V of the Constitution and the calling of a
19 convention for the purpose of proposing amendments that, We may
20 safely rely on the disposition of the State legislatures to erect
21 barriers against the encroachments of the national authority"; and

22 WHEREAS, the Constitution should be amended in order to halt
23 federal encroachment and restore a proper balance between the
24 powers of Congress and those of the several states, and to prevent

1 the denial or disparagement of the rights retained by the people;
2 now, therefore, be it

3 RESOLVED that the Congress of the United States be urged to
4 call a constitutional convention pursuant to Article V of the
5 United States Constitution for the purpose of proposing a
6 constitutional amendment that permits the repeal of any federal law
7 or regulation by vote of two-thirds of the state legislatures, and
8 the Texas Delegation to such Convention, when called, shall propose
9 the following amendment: "Any provision of law or regulation of the
10 Unites States may be repealed by the several states, and such repeal
11 shall be effective when the legislature of two-thirds of the
12 several state approve resolutions for this purpose that
13 particularly describe the same provision or provisions of law or
14 regulation to be repealed; and be it

15 RESOLVED, that delegates to such Convention, when called, be
16 selected according to procedures established by the legislatures of
17 the several states; and be it

18 RESOLVED, That the Texas Secretary of State forward official
19 copies of this resolution to the senators and representatives of
20 Texas in Congress with the request that this resolution be
21 officially entered in the Congressional Record as a memorial to the
22 Congress of the United States of America; and, be it further

23 RESOLVED, That the Texas Secretary of State forward a copy of
24 this resolution to the President of the United States of America,
25 the Vice President of the United States of America, and the Speaker
26 of the House of Representatives of the United States of America, so
27 that they may be apprised of the sense of the Texas House of

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1 Representatives in this matter.