

By: Truitt

H.C.R. No. 19

CONCURRENT RESOLUTION

1           WHEREAS, The adoption of the Sixteenth and Seventeenth  
2 Amendments to the United States Constitution in 1913 greatly  
3 expanded the power of the federal government at the expense of the  
4 states, creating a constitutional imbalance; and

5           WHEREAS, The Sixteenth Amendment gave Congress the power to  
6 impose an income tax, and subsequently, Congress began using its  
7 ability to give and withhold federal funds to exercise undue  
8 influence over the states; and

9           WHEREAS, Under the original constitution, senators were  
10 selected by state legislatures, and this practice permitted  
11 senators to impose restraints against excesses at the federal  
12 level; the Seventeenth Amendment, however, provided for the direct  
13 election of U.S. senators by the voters of each state, eliminating a  
14 vital check on the federal government; and

15           WHEREAS, States today have little recourse when the  
16 government in Washington, D.C., overreaches; the only way to  
17 contest a federal law or regulation is to bring a constitutional  
18 challenge in federal court or seek an amendment to the  
19 constitution; and

20           WHEREAS, Passage of a "Repeal Amendment" would restore  
21 constitutional balance by providing for the repeal of any provision  
22 of law or regulation of the United States when the legislatures of  
23 two-thirds of the several states approve resolutions for the  
24 purpose of demanding such a repeal; a measure that has been repealed

1 by the states could be reenacted by Congress if a simple majority of  
2 members are convinced that two-thirds of state legislatures have,  
3 in fact, erred in their interpretation of popular sentiment; and

4 WHEREAS, With the possibility that two-thirds of the states  
5 could act to repeal federal law, Congress would be obliged to take  
6 into consideration any vigorous opposition at the state level  
7 before passing legislation, just as it must consider the  
8 possibility of a presidential veto; in effect, with repeal power,  
9 state legislatures could force Congress to revisit the provisions  
10 of a widely unpopular law; and

11 WHEREAS, Reflecting confidence in the collective wisdom of  
12 thousands of democratically elected representatives outside the  
13 Beltway, a "Repeal Amendment" would help protect the powers  
14 "reserved to the states" in the Tenth Amendment and provide another  
15 political avenue to citizens seeking to protect the "rights . . .  
16 retained by the people," as outlined in the Ninth Amendment; now,  
17 therefore, be it

18 RESOLVED, That the 82nd Legislature of the State of Texas  
19 hereby respectfully memorialize the Congress of the United States  
20 to propose and submit to the states for ratification an amendment to  
21 the United States Constitution providing that any provision of law  
22 or regulation of the United States can be repealed by the several  
23 states, and such repeal shall be effective when the legislatures of  
24 two-thirds of the several states approve resolutions that  
25 particularly describe the same provision or provisions of law or  
26 regulation to be repealed; and, be it further

27 RESOLVED, That the 82nd Texas Legislature hereby request that

1 the legislatures of each of the several states that compose the  
2 United States join this state in urging the Congress of the United  
3 States to propose and submit to the states for ratification a  
4 "Repeal Amendment" to the United States Constitution; and, be it  
5 further

6         RESOLVED, That the Texas secretary of state forward official  
7 copies of this resolution to the president of the United States, to  
8 the speaker of the House of Representatives and the president of the  
9 Senate of the United States Congress, and to all members of the  
10 Texas delegation to Congress with the request that this resolution  
11 be officially entered in the Congressional Record as a memorial to  
12 the Congress of the United States of America; and, be it further

13         RESOLVED, That the Texas secretary of state forward official  
14 copies of this resolution to the secretaries of state and to the  
15 presiding officers of the legislatures of the other states as an  
16 expression of the sentiment of the Legislature of the State of  
17 Texas.