

By: Creighton

H.J.R. No. 50

A JOINT RESOLUTION

1 applying to Congress to call a convention to propose an amendment to
2 the United States Constitution to permit the repeal of federal law
3 by two-thirds of the legislatures of the several states.

4 WHEREAS, Article I, Section 1, of the United States
5 Constitution provides that all legislative powers granted to the
6 federal government are vested in the United States Congress; and

7 WHEREAS, Congress has exceeded the legislative powers
8 granted to it in the United States Constitution, thereby
9 encroaching both on the powers that the Tenth Amendment provides
10 are reserved to the states or the people and on the unenumerated
11 rights that the Ninth Amendment affirms are retained by the people;
12 and

13 WHEREAS, This encroachment includes the accumulation of a
14 federal debt that, combined with interest, constitutes a future tax
15 and is of such magnitude that responsibility for its payment will be
16 passed to future, unborn generations of Americans without their
17 consent; and

18 WHEREAS, This encroachment also includes compelling state
19 and local governments to comply with federal laws and regulations
20 without providing funding equal to the cost of those mandates; and

21 WHEREAS, In Federalist Number 85, Alexander Hamilton wrote in
22 reference to Article V of the United States Constitution: "We may
23 safely rely on the disposition of the State legislatures to erect
24 barriers against the encroachments of the national authority"; and

1 WHEREAS, The United States Constitution should be amended in
2 order to halt federal encroachment, to restore a proper balance
3 between the powers of Congress and those of the several states, and
4 to prevent the denial or disparagement of the rights retained by the
5 people; and

6 WHEREAS, The United States Constitution contains no
7 provision giving the several states the power to repeal federal
8 laws that encroach on the powers and rights retained by the states
9 and the people; and

10 WHEREAS, Article V of the United States Constitution provides
11 that on application of the legislatures of two-thirds of the
12 several states Congress shall call a convention for proposing
13 amendments to the constitution; now, therefore, be it

14 RESOLVED, That the 82nd Texas Legislature apply to Congress
15 to call a convention under Article V of the United States
16 Constitution for the exclusive purpose of proposing an amendment to
17 the constitution permitting the repeal of a federal law or
18 regulation by vote of two-thirds of the legislatures of the several
19 states; and, be it further

20 RESOLVED, That this state's delegation to the convention
21 shall propose the following amendment: "A law or regulation of the
22 United States may be repealed by the several states. Repeal is
23 effective when the legislatures of two-thirds of the several states
24 approve resolutions that specifically name the law or regulation to
25 be repealed"; and, be it further

26 RESOLVED, That delegates to the convention be selected
27 according to procedures established by the legislatures of their

1 respective states; and, be it further

2 RESOLVED, That, unless rescinded by a succeeding Texas
3 Legislature, this application by the 82nd Texas Legislature
4 constitutes a continuing application in accordance with Article V
5 of the United States Constitution until at least two-thirds of the
6 legislatures of the several states have applied to Congress to call
7 a convention to propose an amendment to the constitution to permit
8 the repeal of federal law by vote of two-thirds of the legislatures
9 of the several states; and, be it further

10 RESOLVED, That the Texas secretary of state forward official
11 copies of this resolution to the president of the United States, to
12 the speaker of the House of Representatives and the president of the
13 Senate of the Congress of the United States, and to all members of
14 the Texas delegation to Congress with the request that this
15 resolution be officially entered in the Congressional Record as an
16 application to Congress for a convention to propose an amendment to
17 the United States Constitution to permit repeal of federal law by
18 vote of two-thirds of the legislatures of the several states.