

By: Kolkhorst

H.J.R. No. 69

A JOINT RESOLUTION

1 applying to the Congress of the United States to call a convention
2 to propose an amendment to the United States Constitution providing
3 that the power to regulate health and education is reserved to the
4 states.

5 WHEREAS, The federal government is engaged in unsustainable
6 deficit spending to fund federally mandated but state-run programs
7 such as Medicaid, and the continued growth in necessary spending on
8 health and education strains the state budget; and

9 WHEREAS, The Tenth Amendment to the United States
10 Constitution reserves all powers not delegated to the federal
11 government to the states and the people but has proven insufficient
12 to protect the rights of the several states from encroachment; and

13 WHEREAS, Amendment of the United States Constitution to
14 clarify and secure certain powers delegated to the states as
15 provided by the Tenth Amendment, including the states' power to
16 regulate health and education, is necessary to better ensure a more
17 perfect union; and

18 WHEREAS, The United States Constitution contains no express
19 restriction on the power of the federal government to regulate the
20 provision of health and education; and

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

1 RESOLVED, That the 82nd Texas Legislature apply to Congress
2 to call a convention under Article V of the United States
3 Constitution for the exclusive purpose of proposing an amendment to
4 the constitution providing that the power to regulate health and
5 education, including the power to protect an individual's health
6 and right to an education, is reserved exclusively to the states;
7 and, be it further

8 RESOLVED, That the amendment proposed by the convention
9 should further provide that the amendment supersedes both the
10 Necessary and Proper Clause and the Commerce Clause of Section 8,
11 Article I, as applied to federal legislation regulating health and
12 education and that the amendment does not limit any other power
13 delegated to the states; and, be it further

14 RESOLVED, That the amendment proposed by the convention
15 should further provide that, if the federal government collects
16 taxes for the purpose of health or education, the federal
17 government must distribute the revenue from those taxes as aid to
18 the several states as block grants permitting the states
19 discretionary use of the funds for health and education; and, be it
20 further

21 RESOLVED, That the amendment proposed by the convention
22 should prohibit the federal government from enacting laws that
23 mandate how states must spend health and education funding or that
24 tax individual behaviors, including inactivity, for the purpose of
25 regulating health; and, be it further

26 RESOLVED, That, unless rescinded by a succeeding
27 legislature, this application by the 82nd Texas Legislature

1 constitutes a continuing application in accordance with Article V
2 of the United States Constitution until at least two-thirds of the
3 legislatures of the several states have applied to Congress to call
4 a convention to propose an amendment to the constitution to provide
5 that the power to regulate health and education is reserved to the
6 states, but if Congress proposes a constitutional amendment
7 identical in subject matter to that contained in this resolution,
8 this application is no longer of any force; and, be it further

9 RESOLVED, That the Texas secretary of state forward official
10 copies of this resolution to the president of the United States, to
11 the speaker of the House of Representatives and the president of the
12 Senate of the Congress of the United States, and to all members of
13 the Texas delegation to Congress with the request that this
14 resolution be officially entered in the Congressional Record as an
15 application to Congress for a convention to propose an amendment to
16 the United States Constitution to provide that the power to
17 regulate health and education is reserved to the states; and, be it
18 further

19 RESOLVED, That the Texas secretary of state forward official
20 copies of this resolution to the secretaries of state and to the
21 presiding officers of the legislatures of the several states with
22 the request that they join this state in applying to Congress for a
23 convention to propose an amendment to the United States
24 Constitution to provide that the power to regulate health and
25 education is reserved to the states.