

By: White

H.B. No. 2353

A BILL TO BE ENTITLED

AN ACT

relating to exempting the intrastate production of goods and the intrastate provision of services from federal regulation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Intrastate Commerce Act.

SECTION 2. The Legislature of the State of Texas finds that:

(1) the Tenth Amendment to the United States Constitution reserves to the states and the people all powers not granted to the federal government elsewhere in the constitution;

(2) the Ninth Amendment to the United States Constitution guarantees to the people rights not enumerated in the constitution and reserves to the people of Texas those rights;

(3) the federal government is empowered to regulate interstate commerce under Section 8, Article I, United States Constitution;

(4) the regulation of intrastate commerce is vested in the states under the Ninth and Tenth Amendments to the United States Constitution;

(5) the drafters of the United States Constitution specifically considered and rejected a proposal to authorize Congress to regulate intrastate commerce that had indirect effects on another state; and

(6) all goods grown, manufactured, made, or otherwise

1 produced in this state that remain in this state and all services
2 performed exclusively in this state are not subject to the
3 authority of the United States Congress under Congress's power to
4 regulate interstate commerce.

5 SECTION 3. Title 99, Business & Commerce Code, is amended by
6 adding Chapter 2005 to read as follows:

7 CHAPTER 2005. INTRASTATE GOODS AND SERVICES

8 Sec. 2005.001. NOT SUBJECT TO FEDERAL REGULATION. A good
9 that is grown, manufactured, made, or otherwise produced in this
10 state and remains in this state or a service performed exclusively
11 in this state is not subject to federal law or federal regulation
12 under the authority of the United States Congress to regulate
13 interstate commerce.

14 SECTION 4. This Act applies only to a good that is grown,
15 manufactured, made, or otherwise produced or a service performed on
16 or after the effective date of this Act.

17 SECTION 5. This Act takes effect September 1, 2013.