

1-1 By: Creighton S.C.R. No. 3
 1-2 (In the Senate - Filed November 14, 2016; February 1, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 3, 2017, reported favorably by the following vote: Yeas 7,
 1-5 Nays 2; April 3, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15	X			
1-16		X		

1-17 SENATE CONCURRENT RESOLUTION

1-18 WHEREAS, Each member of the legislature has sworn a solemn
 1-19 oath to defend our United States and Texas Constitutions and takes
 1-20 great pride in being a citizen of the United States of America,
 1-21 where citizens have the right to petition their government for
 1-22 redress of grievances; and

1-23 WHEREAS, Section 1, Article I, Texas Constitution, states
 1-24 that "the perpetuity of the Union depend[s] upon the preservation
 1-25 of the right of local self-government, unimpaired to all the
 1-26 States"; Section 2, Article I, declares, "All political power is
 1-27 inherent in the people, and all free governments are founded on
 1-28 their authority, and instituted for their benefit. The faith of the
 1-29 people of Texas stands pledged to the preservation of a republican
 1-30 form of government, and, subject to this limitation only, they have
 1-31 at all times the inalienable right to alter, reform or abolish their
 1-32 government in such manner as they may think expedient"; and

1-33 WHEREAS, The Tenth Amendment to the Constitution of the
 1-34 United States of America reads as follows: "The powers not
 1-35 delegated to the United States by the Constitution, nor prohibited
 1-36 by it to the States, are reserved to the States respectively, or to
 1-37 the people"; and

1-38 WHEREAS, The Tenth Amendment to the Constitution of the
 1-39 United States of America defines the total scope of federal power as
 1-40 being that specifically granted by the Constitution of the United
 1-41 States of America and no more; and

1-42 WHEREAS, The Tenth Amendment to the Constitution of the
 1-43 United States of America means that the federal government was
 1-44 created by the states specifically to be an agent of the states with
 1-45 powers both limited and enumerated; and

1-46 WHEREAS, Today, in 2017, the states are demonstrably treated
 1-47 as agents of the federal government; and

1-48 WHEREAS, Many powers assumed by the federal government as
 1-49 well as federal laws and mandates are in direct violation of the
 1-50 Tenth Amendment to the Constitution of the United States of
 1-51 America; and

1-52 WHEREAS, The Tenth Amendment assures that we, the people of
 1-53 the United States of America and each sovereign state in the Union
 1-54 of States, have always had rights that the federal government may
 1-55 not usurp; and

1-56 WHEREAS, Section 4, Article IV, of the constitution says,
 1-57 "The United States shall guarantee to every State in this Union a
 1-58 Republican Form of Government," and the Ninth Amendment states,
 1-59 "The enumeration in the Constitution, of certain rights, shall not
 1-60 be construed to deny or disparage others retained by the people";
 1-61 and

2-1 WHEREAS, The United States Supreme Court has ruled in
2-2 *New York v. United States*, 505 U.S. 144 (1992), that Congress may
2-3 not simply commandeer the legislative and regulatory processes of
2-4 the states; and

2-5 WHEREAS, A number of proposals from previous
2-6 administrations, as well as from Congress, may further violate the
2-7 Constitution of the United States of America; now, therefore, be it

2-8 RESOLVED, That the 85th Legislature of the State of Texas
2-9 hereby claim sovereignty under the Tenth Amendment to the
2-10 Constitution of the United States of America over all powers not
2-11 otherwise enumerated and granted to the federal government by the
2-12 Constitution of the United States of America; and, be it further

2-13 RESOLVED, That this serve as notice and demand that the
2-14 federal government, as our agent, halt and reverse, effective
2-15 immediately, its practice of assuming powers and imposing mandates
2-16 and laws upon the states for purposes not enumerated by the
2-17 Constitution of the United States of America; and, be it further

2-18 RESOLVED, That all compulsory federal legislation not
2-19 necessary to ensure rights guaranteed the people under the
2-20 Constitution of the United States that directs states to comply
2-21 under threat of civil or criminal penalties or sanctions or that
2-22 requires states to pass legislation or lose federal funding be
2-23 prohibited and repealed; and, be it further

2-24 RESOLVED, That the Texas secretary of state forward official
2-25 copies of this resolution to the president of the United States, to
2-26 the president of the Senate and the speaker of the House of
2-27 Representatives of the United States Congress, and to all members
2-28 of the Texas delegation to Congress with the request that this
2-29 resolution be officially entered in the Congressional Record as a
2-30 memorial to the Congress of the United States of America.

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