

## **BILL ANALYSIS**

Senate Research Center  
86R10444 KSM-F

C.S.S.C.R. 1  
By: Creighton  
State Affairs  
4/15/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Each member of the legislature has sworn a solemn oath to defend our United States and Texas Constitutions and takes great pride in being a citizen of the United States of America, where citizens have the right to petition their government for redress of grievances.

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

The Tenth Amendment to the Constitution of the United States of America reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The Tenth Amendment to the Constitution of the United States of America defines the total scope of federal power as being that specifically granted by the U.S. Constitution and no more. The Tenth Amendment to the Constitution of the United States of America means that the federal government was created by the states with powers both limited and enumerated.

Today, in 2019, the states are demonstrably treated as agents of the federal government. Many powers assumed by the federal government as well as federal laws and mandates are in direct violation of the Tenth Amendment to the Constitution of the United States of America. The Tenth Amendment assures that we, the people of the United States of America and each sovereign state in the Union of States, have always had rights that the federal government may not usurp.

Section 4, Article IV, of the United States Constitution says, "The United States shall guarantee to every State in this Union a Republican Form of Government," and the Ninth Amendment states, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage other retained by the people."

The United States Supreme Court has ruled in *New York v. United States*, 505 U.S. 144 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states. A number of proposals from previous administrations, as well as from Congress, may further violate the Constitution of the United States of America.

C.S.S.C.R. 1 claims sovereignty under the Tenth Amendment to the U.S. Constitution over all powers not otherwise enumerated and granted to the federal government by the U.S. Constitution, serving notice to the federal government to halt and reverse certain mandates, and providing that certain federal legislation be prohibited or repealed.

### **RESOLVED**

That the 86th Legislature of the State of Texas claim sovereignty under the Tenth Amendment to the Constitution of the United States of America.

That this serve as notice and demand that the federal government, as our agent, halt and reverse, effective immediately, its practice of assuming powers and imposing mandates and laws upon the states for purposes not enumerated by the Constitution of the United States of America.

That the State of Texas urge the federal government to prohibit and repeal all compulsory federal legislation not necessary to ensure rights guaranteed the people under the Constitution of the United States that directs states to comply under threat of civil or criminal penalties or sanctions or that requires states to pass legislation or lose federal funding.

That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all members of the Texas delegation to Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.