

1-1 By: Creighton, Hall S.C.R. No. 1
 1-2 (In the Senate - Filed November 12, 2018; February 7, 2019,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 16, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 2; April 16, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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		X		

1-18 COMMITTEE SUBSTITUTE FOR S.C.R. No. 1 By: Nelson

1-19 SENATE CONCURRENT RESOLUTION

1-20 WHEREAS, Each member of the legislature has sworn a solemn
 1-21 oath to defend our United States and Texas Constitutions and takes
 1-22 great pride in being a citizen of the United States of America,
 1-23 where citizens have the right to petition their government for
 1-24 redress of grievances; and

1-25 WHEREAS, Section 1, Article I, Texas Constitution, states
 1-26 that "the perpetuity of the Union depend[s] upon the preservation
 1-27 of the right of local self-government, unimpaired to all the
 1-28 States"; Section 2, Article I, declares, "All political power is
 1-29 inherent in the people, and all free governments are founded on
 1-30 their authority, and instituted for their benefit. The faith of the
 1-31 people of Texas stands pledged to the preservation of a republican
 1-32 form of government, and, subject to this limitation only, they have
 1-33 at all times the inalienable right to alter, reform or abolish their
 1-34 government in such manner as they may think expedient"; and

1-35 WHEREAS, The Tenth Amendment to the Constitution of the
 1-36 United States of America reads as follows: "The powers not
 1-37 delegated to the United States by the Constitution, nor prohibited
 1-38 by it to the States, are reserved to the States respectively, or to
 1-39 the people"; and

1-40 WHEREAS, The Tenth Amendment to the Constitution of the
 1-41 United States of America defines the total scope of federal power as
 1-42 being that specifically granted by the United States Constitution
 1-43 and no more; and

1-44 WHEREAS, The Tenth Amendment to the Constitution of the
 1-45 United States of America means that the federal government was
 1-46 created by the states with powers both limited and enumerated; and

1-47 WHEREAS, Today, in 2019, the states are demonstrably treated
 1-48 as agents of the federal government; and

1-49 WHEREAS, Many powers assumed by the federal government as
 1-50 well as federal laws and mandates are in direct violation of the
 1-51 Tenth Amendment to the Constitution of the United States of
 1-52 America; and

1-53 WHEREAS, The Tenth Amendment assures that we, the people of
 1-54 the United States of America and each sovereign state in the Union
 1-55 of States, have always had rights that the federal government may
 1-56 not usurp; and

1-57 WHEREAS, Section 4, Article IV, of the United States
 1-58 Constitution says, "The United States shall guarantee to every
 1-59 State in this Union a Republican Form of Government," and the Ninth
 1-60 Amendment states, "The enumeration in the Constitution, of certain

2-1 rights, shall not be construed to deny or disparage others retained
2-2 by the people"; and

2-3 WHEREAS, The United States Supreme Court has ruled in *New*
2-4 *York v. United States*, 505 U.S. 144 (1992), that Congress may not
2-5 simply commandeer the legislative and regulatory processes of the
2-6 states; and

2-7 WHEREAS, A number of proposals from previous
2-8 administrations, as well as from Congress, may further violate the
2-9 Constitution of the United States of America; now, therefore, be it

2-10 RESOLVED, That the 86th Legislature of the State of Texas
2-11 hereby claim sovereignty under the Tenth Amendment to 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 the State of Texas urge the federal government
2-19 to prohibit and repeal all compulsory federal legislation not
2-20 necessary to ensure rights guaranteed the people under the
2-21 Constitution of the United States that directs states to comply
2-22 under threat of civil or criminal penalties or sanctions or that
2-23 requires states to pass legislation or lose federal funding; and,
2-24 be it further

2-25 RESOLVED, That the Texas secretary of state forward official
2-26 copies of this resolution to the president of the United States, to
2-27 the president of the Senate and the speaker of the House of
2-28 Representatives of the United States Congress, and to all members
2-29 of the Texas delegation to Congress with the request that this
2-30 resolution be officially entered in the Congressional Record as a
2-31 memorial to the Congress of the United States of America.

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