

By: Oliverson

H.C.R. No. 48

CONCURRENT RESOLUTION

1 WHEREAS, State attorneys general play a vital role in curbing
2 federal government overreach; and

3 WHEREAS, In recent years, the nation has drifted away from
4 the bedrock principle set forth in the Tenth Amendment to the
5 U.S. Constitution, which states: "The powers not delegated to the
6 United States by the Constitution, nor prohibited by it to the
7 states, are reserved to the states respectively, or to the
8 people."; ignoring the vision of the nation's founders, the federal
9 government has shown itself ever more intent on amassing power,
10 leading to overregulation by its agencies; and

11 WHEREAS, State attorneys general, as the chief law
12 enforcement officers of their states, have formed a bulwark against
13 agencies that overstep their constitutional and statutory
14 authority to promulgate laws and regulations that impinge on
15 personal freedoms, usurp state authority, and impose unreasonable
16 costs; in Texas, our attorney general has filed numerous lawsuits
17 to uphold the U.S. Constitution and the rights of individual
18 Texans, winning major victories in cases regarding such issues as
19 religious freedom, immigration, school rights, the environment,
20 and labor; and

21 WHEREAS, Overregulation by federal agencies intrudes on the
22 lives of Texans and hinders economic growth, and it is vital that
23 our attorney general continue the fight to restore the balance
24 between federal and state government as outlined in the

1 U.S. Constitution; now, therefore, be it

2 RESOLVED, That the 88th Legislature of the State of Texas
3 hereby express support for the attorney general to bring an action
4 against a federal agency to assert any claim the attorney general
5 determines is justiciable to prevent the agency from violating
6 federal law, including a claim to:

7 (1) prevent the agency from imposing on this state an
8 obligation that invades the powers of this state;

9 (2) prevent the agency from discriminatorily denying
10 this state's rightful status within the federal system; or

11 (3) protect the health and well-being of this state's
12 residents; and, be it further

13 RESOLVED, That the Texas secretary of state forward an
14 official copy of this resolution to the Texas attorney general.