

April 9, 2015

TO: House Committee on Economic and Small Business Development,
and Subcommittee on Small Business

RE: HB 3853 , HB 1037, SB 498, et al = Written Testimony

Dear Honorable Committee Chairwoman, Chairman, & Committee Members

I respectfully request the Chair of the Committee exercise their power to **ask the Attorney General for an Opinion**. I request an meeting with you to discuss the particulars.

The prevailing perception is that California, New York, Illinois and other States have the sticks that give business an incentive to move to Texas. We only need to provide matching carrots. This perception may be exposed as faulty.

Alexander Hamilton, our Nation's first Secretary of the Treasury, was the author for some of our Constitution for the United States and his contribution to it was adopted by the authors of our Texas Constitution. He considered the contract clause absolutely essential to economic development. It is also referred to as the Sanctity of Contracts. It is an absolute bar to government interference in a lawful contract relationship. It bars the State from impairing the obligations of a lawful contract. Businesses, and Business owners, depend on contract to protect their property.

In Texas we have a case that reveals a State without regard for our Constitutions. A State without regard for the contract clause in our Constitutions. A State where those who act in it's name are free to violate the contract clause at their will. They may do so to destroy a business, and a life, if only for the sick pleasure of a sensation of power and superiority.

Texas may have fewer regulations, fewer sticks, in the Laws of the State as written. But there is something far more pernicious in Texas. In practice the regulations and taxes can be unlimited in Texas. In Texas our Constitutions and your Laws do not regulate the behavior of those who act in the name of the State. Unregulated State Actors, such as prosecutors and those acting on their instructions, can choose winners and losers in the field of business competition. The rules of the game in Texas are unwritten. They are unknown. The Rules written in our Constitutions, in your Statutory Laws, and in lawful private contracts, are considered immaterial and irrelevant.

That is more than a stick. To a person of business that is a giant club that will crush all the carrots you might offer. The Insidious unwritten, and therefore unlimited, regulations imposed at the will and pleasure of low level actors of the State is a greater stick then the ones written by Legislators of any State. Businesses, and their owners, need to know that they will be insured. In other words, compensated, if they are the victim of the insidious, pernicious, threat of a belief in the infallibility of

the State. The State is a self-insured entity. It has the same duty as any insurance company to pay a valid claim.

Like all States, our State is an artificial person that functions through those who act in it's name at the lowest levels. The State must accept responsibility and accountability for their acts and compensate their victims. BP had to accept responsibility for acts of it's actors, even if they acted in violation of BP's internal laws and regulations. Our State has collected over half a billion from BP for a refinery explosion and over a Billion for an Oil Spill. Even if BP had claim it was immune from suit or liability, it's moral obligation to its victims would remain.

I pray the Chairwoman and Chairman will contact me to schedule a meeting on the case I have alluded to. For more information on this case visit www.informed.org

Respectfully, in service to the people of Texas without compensation, I am here as a public service. I am here to pray our public servants will honor their Oath of Office.

Ed Heimlich, a Human Person, with Rights from God. If we are still a Republic, I AM a member of the public; what is also known as a Citizen with Rights, Privileges, and Immunities secured by a Constitution, Laws made in pursuance thereof, and the private law of contracts.

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