HOUSE CS FOR SENATE JOINT RESOLUTION NO. 7(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/8/95
Referred: Rules

Sponsor(s): SENATORS TAYLOR, Halford, Kelly, Sharp, Torgerson, Green, Pearce, Leman, Frank, Miller
REPRESENTATIVES Grussendorf, Navarre, James

A RESOLUTION

Relating to mandates imposed on the states by the federal government.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the Tenth Amendment to the Constitution of the United States states:
"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."

WHEREAS the Tenth Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

WHEREAS the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, today, the states are demonstrably treated as agents of the federal government; and

WHEREAS many federal mandates are directly in violation of the Tenth Amendment; and

WHEREAS the United States Supreme Court has ruled in New York v. United States, 112 S.Ct. 2408 (1992), that the Congress may not simply commandeer the legislative
processes of the states; and

WHEREAS a number of proposals now pending before the Congress may further violate the Tenth Amendment of the United States Constitution; and

WHEREAS numerous resolutions addressing various mandates imposed on the states by federal law have been sent to the federal government by the Alaska State Legislature without any response or result; and

WHEREAS the United States Constitution envisions sovereign states and guarantees the states a republican form of government; and

WHEREAS Alaska and its municipalities are losing their power to act on behalf of state citizens as the power of government is moving farther away from the people into the hands of federal agencies composed of officials who are not elected and who are unaware of the needs of Alaska and the other states; and

WHEREAS the federal court system affords a means to liberate the states from the grips of federal mandates;

BE IT RESOLVED that the Alaska State Legislature hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by that constitution; and be it

FURTHER RESOLVED that this resolution serves as notice and demand to the federal government to cease and desist, effective immediately, imposing mandates on the states that are beyond the scope of its constitutionally delegated powers; and be it

FURTHER RESOLVED that the Governor is respectfully requested to examine and challenge by legal action on behalf of the state, federal mandates contained in court rulings, federal laws and regulations, or federal practices to the extent those mandates infringe on the sovereignty of Alaska or the state’s authority over issues affecting its citizens; and be it

FURTHER RESOLVED that Alaska’s sister states are urged to participate in any legal action brought under this resolution.

COPIES of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S.
Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to the governor of each of Alaska’s sister states.