

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 20(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 5/2/96

Referred: JUD, FIN

Sponsor(s): REPRESENTATIVES BARNES, Grussendorf, Foster, Mulder, Kubina, Porter, Parnell, James

SENATOR Hoffman

A RESOLUTION

1 Urging the Congress of the United States to pass S. 1629, the Tenth Amendment
2 Enforcement Act of 1996.

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

4 **WHEREAS** the United States Congress, by its authority to regulate commerce among
5 the states, has repeatedly preempted state laws, including those relating to health, welfare,
6 transportation, communications, banking, environment, and civil justice, reducing the ability
7 of state legislatures to be responsive to their constituents; and

8 **WHEREAS** more than one-half of all federal laws preempting states have been
9 enacted by the Congress since 1969, intensifying an erosion of state power that leaves an
10 essential part of our constitutional structure -- federalism -- standing precariously; and

11 **WHEREAS** the United States Constitution anticipates that our American federalism
12 will allow differences among state laws, expecting people to seek change through their own
13 legislatures without federal legislators representing other states preempting states to impose
14 national laws; and

15 **WHEREAS** constitutional tension necessary to protect liberty arises from the fact that
16 federal law is "the supreme Law of the Land" while, in contrast, powers not delegated to the

1 federal government are reserved to the states or to the people, and that tension can exist only
2 when states are not preempted and, thus, remain credible powers in the federal system; and

3 **WHEREAS** less federal preemption means states can act as laboratories of democracy,
4 seeking novel social and economic policies without risk to the nation; and

5 **WHEREAS** S. 1629 is designed to create mechanisms for careful consideration of
6 proposals that would preempt states in areas historically within their purview through
7 procedural mechanisms in the legislative, executive, and judicial branches of government,
8 namely

9 (1) in the legislative branch, by requiring a statement of constitutional authority
10 and an expression of the intent to preempt states;

11 (2) in the executive branch, by curbing agencies that may preempt beyond their
12 legislative authority;

13 (3) in the judicial branch, by codifying judicial deference to state laws where
14 the Congress is not clear in its intent to preempt;

15 **BE IT RESOLVED** that the Alaska State Legislature urges that

16 (1) the congressional delegation of this state cosponsor S. 1629 in order to
17 show its support for a decisive role for states within the federal system;

18 (2) the United States Congress enact S. 1629, the Tenth Amendment
19 Enforcement Act of 1996, in order to strengthen the political safeguards of federalism as
20 anticipated under the United States Constitution; and

21 (3) the President of the United States sign S. 1629 as a means of ensuring full
22 consideration of federalism principles within the exercise of executive powers.

23 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
24 United States; the Honorable Al Gore, Jr., Vice-President of the United States and President
25 of the U.S. Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of
26 Representatives; the Honorable Bob Dole, Majority Leader of the U.S. Senate; to the
27 Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
28 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.