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

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

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

3   **WHEREAS** the Tenth Amendment to the Constitution of the United States states:

4   "The powers not delegated to the United States by the

5   Constitution, nor prohibited by it to the States, are reserved to

6   the States respectively, or to the people."; and

7   **WHEREAS** the Tenth Amendment defines the total scope of federal power as being

8 that specifically granted by the United States Constitution and no more; and

9   **WHEREAS** the scope of power defined by the Tenth Amendment means that the

10 federal government was created by the states specifically to be an agent of the states; and

11   **WHEREAS**, today, the states are demonstrably treated as agents of the federal

12 government; and

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

14 and

15   **WHEREAS** the United States Supreme Court has ruled in New York v. United States,

16 112 S.Ct. 2408 (1992), that the Congress may not simply commandeer the legislative

1 processes of the states; and

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

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

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

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

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

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

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

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

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

27 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
28 United States; the Honorable Al Gore, Jr., Vice-President of the United States and President
29 of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S.

1   Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; to the

2   Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the

3   Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress;

4   and to the governor of each of Alaska's sister states.