

HOUSE RESOLUTION NO. 9

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES KELLY, Johnson, Keller, Harris, Gatto, Johansen, Dahlstrom, Wilson

Introduced: 2/25/09

Referred: Rules

A RESOLUTION

1 **Relating to sovereign powers of the state.**

2 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:**

3 **WHEREAS** the Tenth Amendment to the Constitution of the United States reads,
4 "The powers not delegated to the United States by the Constitution, nor prohibited by it to the
5 States, are reserved to the States respectively, or to the people"; and

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

8 **WHEREAS** the scope of power defined by the Tenth Amendment means that the
9 federal government was created by the states specifically to be an agent of the states; and

10 **WHEREAS** some federal actions weaken states' rights protected by the Tenth
11 Amendment to the Constitution of the United States; and

12 **WHEREAS** the Tenth Amendment assures that we, the people of the United States of
13 America and each sovereign state in the Union of States, now have, and have always had,
14 rights the federal government may not usurp; and

15 **WHEREAS** art. IV, sec. 4, Constitution of the United States, reads, "The United
16 States shall guarantee to every State in this Union a Republican Form of Government," and

1 the Ninth Amendment to the Constitution of the United States reads, "The enumeration in the
 2 Constitution, of certain rights, shall not be construed to deny or disparage others retained by
 3 the people"; and

4 **WHEREAS** the United States Supreme Court has ruled in *New York v. United States*,
 5 112 S.Ct. 2408 (1992), that the United States Congress may not simply commandeer the
 6 legislative and regulatory processes of the states; and

7 **WHEREAS** all states, including Alaska, find themselves regularly facing proposals
 8 from the United States Congress that weaken states' rights protected by the Tenth
 9 Amendment;

10 **BE IT RESOLVED** that the House of Representatives hereby claims sovereignty for
 11 the state under the Tenth Amendment to the Constitution of the United States over all powers
 12 not otherwise enumerated and granted to the federal government by the Constitution of the
 13 United States; and be it

14 **FURTHER RESOLVED** that this resolution serves as Notice and Demand to the
 15 federal government, as our agent, to cease and desist, effective immediately, mandates that are
 16 beyond the scope of these constitutionally delegated powers; and be it

17 **FURTHER RESOLVED** that all compulsory federal legislation that directs states to
 18 comply under threat of civil or criminal penalties or sanctions or requires states to pass
 19 legislation or lose federal funding be prohibited or repealed.

20 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
 21 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
 22 President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of
 23 Representatives; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S.
 24 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
 25 delegation in Congress; and all other members of the 111th United States Congress.