

HOUSE JOINT RESOLUTION NO. 8

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES OGAN, Porter, Barnes, James, Toohey, Mulder, Kohring

Introduced: 1/16/95

Referred: House Special Committee on World Trade and State/Federal Relations, State Affairs, Judiciary

A RESOLUTION

1 **Relating to mandates and other conditions imposed on the states by the federal**
2 **government.**

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

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

5 "The powers not delegated to the United States by the
6 Constitution, nor prohibited by it to the States, are reserved to the
7 States respectively, or to the people."; and

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

10 **WHEREAS** the scope of power defined by the Tenth Amendment means that the federal
11 government was created by the states specifically to assume the responsibility for exercising
12 certain powers on behalf of the union as a whole, including the responsibility to provide the
13 funding needed to carry out those powers; and

14 **WHEREAS** in recent years the states have been demonstrably treated as tools of the
15 federal government used to carry out federal policy while bearing the costs of that policy; and

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

1 and

2 **WHEREAS** the United States Supreme Court has ruled in *New York v. United States*,
3 112 S.Ct. 2408 (1992), that the Congress may not simply commandeer the legislative processes
4 of the states; and

5 **WHEREAS** the management of fish and wildlife resources by the federal government
6 within the State of Alaska is not authorized by the United States Constitution and is a gross
7 abrogation of power reserved to the several states thereunder; and

8 **WHEREAS** a number of proposals from previous administrations and some now pending
9 from the present administration and from the Congress would further violate the Tenth
10 Amendment of the United States Constitution; and

11 **WHEREAS** the powers of the Congress are itemized in art. I, sec.8, of the United States
12 Constitution, and the Congress should concentrate on carrying out those important duties while
13 leaving local matters to each of the states to resolve based upon the unique needs and
14 circumstances of each state; and

15 **WHEREAS** numerous resolutions have been forwarded to the federal government by
16 various state legislatures without any response or result from the Congress or the federal
17 executive branch;

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

21 **FURTHER RESOLVED** that this resolution serves as notice and demand to the federal
22 government, to immediately cease and desist,

23 (1) imposing mandates on the states that are beyond the scope of its authority
24 under the Tenth Amendment to the Constitution of the United States; and

25 (2) making any efforts to regulate, manage, or control the utilization of fish and
26 wildlife resources found within the State of Alaska.

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 of
29 the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the
30 Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; to the Honorable Ted
31 Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young,
32 U.S. Representative, members of the Alaska delegation in Congress; and to the governor of each

1 of Alaska's sister states.