

HOUSE JOINT RESOLUTION NO. 10

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JAMES, Toohey

Introduced: 1/16/95

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

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 assume the responsibility for
11 exercising certain powers on behalf of the union as a whole, including the responsibility to
12 provide the funding needed to carry out those powers; and

13 **WHEREAS**, today, the states are demonstrably treated as tools of the federal
14 government to carry out federal policy while bearing the costs of that policy; and

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

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

1 112 S.Ct. 2408 (1992), that the Congress may not simply commandeer the legislative
2 processes of the states; and

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

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

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

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

14 **WHEREAS** federal mandates, such as those in the Asbestos School Hazard Abatement
15 Act, the Family and Medical Leave Act, the Safe Drinking Water Act, the Clean Air Act, the
16 Americans with Disabilities Act, Title XIX of the Social Security Act, and the Water Pollution
17 Control Act, threaten the fiscal integrity of the states and their right of self-determination; and

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

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

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

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

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

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