

**HOUSE JOINT RESOLUTION NO. 15**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE BARNES**

**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 Constitution, nor**  
**5 prohibited by it to the States, are reserved to the States respectively, or**  
**6 to the people."; and**

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

**13 WHEREAS** in 1994 the states were demonstrably treated as tools of the federal  
**14 government used 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 processes  
2 of the states; and

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

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

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

12 **FURTHER RESOLVED** that this resolution serves as notice and demand to the federal  
13 government, to cease and desist, effective immediately, imposing mandates on the states that are  
14 beyond the scope of its authority under the Tenth Amendment to the Constitution of the United  
15 States.

16 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the  
17 United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of  
18 the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S. Senate; the  
19 Honorable Newt Ginarich, Speaker of the U.S. House of Representatives; to the Honorable Ted  
20 Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young,  
21 U.S. Representative, members of the Alaska delegation in Congress; and to the governor of each  
22 of Alaska's sister states.