

SENATE JOINT RESOLUTION NO. 5

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATOR DONLEY, Halford, Kelly

Introduced: 1/16/95

Referred: Judiciary

A RESOLUTION

1 **Asserting the State of Alaska's Tenth Amendment rights.**

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 the
6 States respectively, or 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**, today, in 1995, the states are in fact frequently required by 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 processes
2 of the states; and

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

6 **WHEREAS** the vice-president of the United States in the "Report of the National
7 Performance Review" has recommended that unfunded mandates imposed on the states be cut,
8 that the Congress refrain from imposing new mandates, and that an executive order be issued
9 to limit the use of unfunded mandates in legislative proposals and the circumstances under which
10 federal agencies may impose new mandates;

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

14 **FURTHER RESOLVED** that the federal government, is hereby instructed to cease and
15 desist, effective immediately, imposing mandates on the states that are beyond the scope of its
16 authority under the Tenth Amendment to the Constitution of the United States.

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