

SENATE JOINT RESOLUTION NO. 7

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

**BY SENATORS TAYLOR, Halford, Kelly, Sharp, Torgerson, Green, Pearce, Leman, Frank, Miller
REPRESENTATIVES Grussendorf, Navarre**

Introduced: 1/16/95

Referred: 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 be an agent of the states; and

11 WHEREAS, today, the states are demonstrably treated as agents of the federal
12 government; and

13 WHEREAS many federal mandates are directly in violation of the Tenth Amendment;
14 and

15 WHEREAS the United States Supreme Court has ruled in *New York v. United States*,
16 112 S.Ct. 2408 (1992), that the Congress may not simply commandeer the legislative

1 processes of the states; and

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

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

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

10 **FURTHER RESOLVED** that this resolution serves as notice and demand to the
11 federal government to cease and desist, effective immediately, imposing mandates on the states
12 that are beyond the scope of its constitutionally delegated powers.

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