

**HOUSE JOINT RESOLUTION NO. 44**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES OGAN, Coghill, Kohring**

**Introduced: 1/14/00**

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

**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  
7 the States respectively, or to the people."; and**

**8 WHEREAS** the Tenth Amendment defines the total scope of federal power as being  
**9 that 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  
**11 federal government was created by the states specifically to assume the responsibility for  
12 exercising certain powers on behalf of the union as a whole, including the responsibility to  
13 provide the 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 "Congress may not simply 'commandeer the legislative processes  
4 of the States by directly compelling them to enact and enforce a federal regulatory program";  
5 and

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

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

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

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

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

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

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

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

28           **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the  
29 United States; the Honorable Al Gore, Jr., Vice-President of the United States and President  
30 of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S.  
31 Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; to the

- 1 Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
- 2 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress;
- 3 and to the governor of each of Alaska's sister states.