

CS FOR HOUSE JOINT RESOLUTION NO. 44(WTR)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON WORLD TRADE AND STATE/FEDERAL RELATIONS

Offered: 2/25/00

Referred: Resources

Sponsor(s): REPRESENTATIVES OGAN, Coghill, Kohring

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 mistreated by the
**15 federal government and used to carry out federal policy while bearing the costs of that policy;
16 and**

1 **WHEREAS** many federal mandates are directly in violation of the Tenth Amendment;
2 and

3 **WHEREAS** the United States Supreme Court has ruled in *New York v. United States*,
4 112 S.Ct. 2408 (1992), that "Congress may not simply 'commandeer the legislative processes
5 of the States by directly compelling them to enact and enforce a federal regulatory program";
6 and

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

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

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

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

20 **FURTHER RESOLVED** that this resolution serves as notice to the federal
21 government to immediately cease and desist from imposing mandates on the states that are
22 beyond the scope of its authority under the Tenth Amendment to the Constitution of the
23 United States.

24 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
25 United States; the Honorable Al Gore, Jr., Vice-President of the United States and President
26 of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S.
27 Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; to the
28 Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
29 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress;
30 and to the governor of each of Alaska's sister states.