

**SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 27(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

**BY THE SENATE RESOURCES COMMITTEE**

**Offered: 4/18/09**

**Referred: Today's Calendar**

**Sponsor(s): REPRESENTATIVES KELLY, Keller, Wilson, Johnson, Neuman, Millett, Olson, Lynn, Johansen, Gatto**

**SENATORS Therriault, Dyson, Wagoner**

**A RESOLUTION**

1 **Relating to sovereign powers of the state.**

2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **WHEREAS** the Tenth Amendment to the Constitution of the United States reads,  
4 "The powers not delegated to the United States by the Constitution, nor prohibited by it to the  
5 States, are reserved to the States respectively, or to the people"; and

6 **WHEREAS** the Tenth Amendment defines the total scope of federal power as being  
7 that specifically granted by the Constitution of the United States and no more; and

8 **WHEREAS** the scope of power defined by the Tenth Amendment means that the  
9 federal government was created by the states specifically to be an agent of the states; and

10 **WHEREAS** some federal actions weaken states' rights protected by the Tenth  
11 Amendment to the Constitution of the United States; and

12 **WHEREAS** the Tenth Amendment assures that we, the people of the United States of  
13 America and each sovereign state in the Union of States, now have, and have always had,  
14 rights the federal government may not usurp; and

15 **WHEREAS** art. IV, sec. 4, Constitution of the United States, reads, "The United  
16 States shall guarantee to every State in this Union a Republican Form of Government," and

1 the Ninth Amendment to the Constitution of the United States reads, "The enumeration in the  
2 Constitution, of certain rights, shall not be construed to deny or disparage others retained by  
3 the people"; and

4 **WHEREAS** the United States Supreme Court has ruled in *New York v. United States*,  
5 112 S.Ct. 2408 (1992), that the United States Congress may not simply commandeer the  
6 legislative and regulatory processes of the states; and

7 **WHEREAS** all states, including Alaska, find themselves regularly facing proposals  
8 from the United States Congress that weaken states' rights protected by the Tenth  
9 Amendment;

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

14 **FURTHER RESOLVED** that this resolution serves as Notice and Demand to the  
15 federal government, as our agent, to cease and desist, effective immediately, mandates that are  
16 beyond the scope of these constitutionally delegated powers.

17 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of  
18 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and  
19 President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of  
20 Representatives; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S.  
21 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska  
22 delegation in Congress; all other members of the 111th United States Congress; the presiding  
23 officers of the legislatures of each of the other 49 states; and the governors of each of the  
24 other 49 states.