

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 27(2d RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/19/09

Referred: First Supplemental Calendar

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

SENATORS Therriault, Dyson, Wagoner, McGuire, Huggins, Meyer, Stedman, Menard, Bunde

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

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

13 **WHEREAS** art. IV, sec. 4, Constitution of the United States, reads, "The United
14 States shall guarantee to every State in this Union a Republican Form of Government," and
15 the Ninth Amendment to the Constitution of the United States reads, "The enumeration in the
16 Constitution, of certain rights, shall not be construed to deny or disparage others retained by
17 the people"; and

1 **WHEREAS** the United States Supreme Court has ruled in *New York v. United States*,
2 112 S.Ct. 2408 (1992), that the United States Congress may not simply commandeer the
3 legislative and regulatory processes of the states; and

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

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

11 **FURTHER RESOLVED** that this resolution serves as Notice and Demand to the
12 federal government to cease and desist, effective immediately, mandates that are beyond the
13 scope of these constitutionally delegated powers.

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