

SENATE JOINT RESOLUTION NO. 29

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS TAYLOR, Donley, Kelly

Introduced: 3/31/93
Referred: TRA, JUD

A RESOLUTION

- 1 Relating to federal efforts to require the use of motorcycle helmets in Alaska.
- 2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**
- 3 **WHEREAS** the Tenth Amendment to the U.S. Constitution, part of the original Bill
4 of Rights, reads as follows: "The powers not delegated to the United States by the
5 Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the
6 people"; and
- 7 **WHEREAS** the limits on congressional authority to regulate state activities prescribed
8 by the Tenth Amendment have gradually been eroded, and federal mandates to the states in
9 these protected areas have become almost commonplace; and
- 10 **WHEREAS** the regulation of traffic and motor vehicle safety laws are constitutionally
11 the province of state, not congressional, authority; and
- 12 **WHEREAS** a recently proposed federal mandate would reduce the apportionment of
13 federal highway funds to states that do not enact statutes requiring the use of helmets by
14 motorcyclists; and
- 15 **WHEREAS**, while the stated goals of this federal mandate to reduce highway fatalities
16 and injuries through increased use of motorcycle helmets are certainly praiseworthy, it is the

1 opinion of the legislature that the passage of such legislation by the U.S. Congress would be
2 a blatant transgression upon the state's regulatory authority under the Tenth Amendment;

3 **BE IT RESOLVED** that the Congress is urged to refrain from imposing upon the
4 states' constitutional authority to regulate traffic and motor vehicle safety within their
5 respective boundaries, and specifically to refrain from mandating the passage of state laws
6 requiring the use of motorcycle helmets.

7 **COPIES** of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President
8 of the United States and President of the U.S. Senate; the Honorable Robert C. Byrd, President
9 Pro Tempore of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House
10 of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski,
11 U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
12 delegation in Congress.