

**HOUSE CS FOR SENATE JOINT RESOLUTION NO. 29(TRA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE TRANSPORTATION COMMITTEE**

**Offered: 1/24/94**

**Referred: Rules**

**Sponsor(s): SENATORS TAYLOR, Donley, Kelly**

**REPRESENTATIVE Brice**

**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 passed 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

1           **WHEREAS**, while the stated goals of this federal mandate to reduce highway fatalities  
2 and injuries through increased use of motorcycle helmets are certainly praiseworthy, it is the  
3 opinion of the legislature that the passage of such legislation by the U.S. Congress is a blatant  
4 transgression upon the state's regulatory authority under the Tenth Amendment;

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

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