

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Amended: 1/28/94

Offered: 1/24/94

Sponsor(s): SENATORS TAYLOR, Donley, Kelly

REPRESENTATIVES Brice, Navarre, James

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 at least
4 an inappropriate federal mandate and at most a blatant transgression upon the state's
5 regulatory authority under the Tenth Amendment;

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

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