

**HJR**

**27**

# SENATE COMMITTEE REPORT

DATE RETURNED: 4/18/09

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Resources Committee considered CS FOR HOUSE JOINT RESOLUTION NO. 27(RES)

## HJR 27 STATE SOVEREIGNTY

Relating to sovereign powers of the state.

and recommends:

- be replaced with  SCS or  CS HJR 27 (RES)
- adopt previous  SCS or  CS \_\_\_\_\_
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
<b>HOUSE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

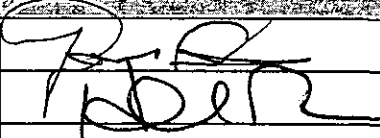
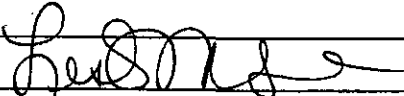

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet	Zero	FN#
H RES	3/30			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Steve French			✓	
				X	
CO-CHAIR: 	McBurne	✓			
CO-CHAIR: 					

26-LS0760\S  
Cook  
4/18/09

**SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 27( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**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** 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.

**CS FOR HOUSE JOINT RESOLUTION NO. 27(RES)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE RESOURCES COMMITTEE**

**Offered: 4/1/09**  
**Referred: Rules**

**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

DELETED

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2 Constitution, of certain rights, shall not be construed to deny or disparage others retained by  
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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; and be it

17 **FURTHER RESOLVED** that all compulsory federal legislation that directs states to  
18 comply under threat of civil or criminal penalties, or sanctions, or requires states to pass  
19 legislation or lose federal funding be prohibited or repealed.

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

# FISCAL NOTE

**STATE OF ALASKA**  
**2009 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHJR 27(RES)  
 (H) Publish Date: 4/1/2009

Identifier (file name): \_\_\_\_\_ Dept. Affected: \_\_\_\_\_  
 Title STATE SOVEREIGNTY RDU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor REPRESENTATIVE KELLY, Keller \_\_\_\_\_  
 Requester \_\_\_\_\_ Component Number \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( )</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2009) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: House Resources Committee Phone 465-3715  
 Division \_\_\_\_\_ Date/Time \_\_\_\_\_  
 Approved by: Representative Craig Johnson, Co-Chair Date 3/30/2009  
House Resources Committee

# Alaska State Legislature

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## Member

House Finance Committee

## **Representative Mike Kelly**

*House District 7*

### CS HJR 27(RES) SPONSOR STATEMENT

HJR 27 re-asserts Alaska's rights as a sovereign. The resolution reminds the federal government that the 10<sup>th</sup> Amendment limits the scope of federal power to that specifically granted by the Constitution of the United States and no more. Each state possesses a vast array of rights that our Founders strove to make certain the federal government could not usurp, rights the federal government seems to increasingly have ignored or diminished.

This year several resolutions before the House refer to the abuse of federal powers and the consequences that abuse poses for Alaska including:

- HR 8 and SR 6 – Resolutions opposing the Transportation Security Administration's (TSA) proposal to require in-state general aviation to implement a Large Aircraft Security Plan, similar to that in effect for major Interstate and International airports and flights.
- HJR 17 – A Resolution opposing the "Blair Holt's Firearm Licensing and Record of Sale Act" which would violate Alaskans' 2<sup>nd</sup> Amendment right to keep and bear arms.
- SCR 3 – A Resolution Urging the Governor to take action against the US Department of the Interior for violating our right to manage our millions of acres of navigable waters and submerged lands.
- HB 186 – A bill exempting firearms manufactured and kept in Alaska from federal regulation.

The federal government's encroachment on state's rights doesn't stop there. According to the National Conference of State Legislatures, "the volume of federal legislation that preempts state authority has increased" and "pressure continues to mount for Congress and the White House to support federal usurpation of state authority in a variety of areas such as criminal law, tort reform, driver's license security and the environment."

Unfunded mandates in Medicare, Medicaid and Education spending, preemption of state absentee voting laws and product liability and consumer protection standards should be added to the list of over-reaching federal authority. As the 9<sup>th</sup> and 10<sup>th</sup> amendments to the United States Constitution anticipated, the states must forever retain the power and flexibility to craft innovative solutions to their own problems.

Often the broad manner in which laws are written in congress can most politely be described as overreaching and cavalier. One example that concerns Alaskans is a Congressional proposal that could turn into the confiscation of our firearms in violation of the 2<sup>nd</sup> Amendment. HJR 27 tells the feds to back off, that Alaska has the authority and right to determine how best to govern our state.

I would appreciate your support for this resolution.