

STATE OF ALASKA
THE LEGISLATURE

1994

Source

HCS SJR 29(TRA) am H

Legislative
Resolve No.

20



Relating to federal efforts to require the use of motorcycle helmets in Alaska.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the Tenth Amendment to the U.S. Constitution, part of the original Bill of Rights, reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people"; and

WHEREAS the limits on congressional authority to regulate state activities prescribed by the Tenth Amendment have gradually been eroded, and federal mandates to the states in these protected areas have become almost commonplace; and

WHEREAS the regulation of traffic and motor vehicle safety laws is constitutionally the province of state, not congressional, authority; and

WHEREAS a recently passed federal mandate would reduce the apportionment of federal highway funds to states that do not enact statutes requiring the use of helmets by motorcyclists; and

WHEREAS, while the stated goals of this federal mandate to reduce highway fatalities and injuries through increased use of motorcycle helmets are certainly praiseworthy,

it is the opinion of the legislature that the passage of such legislation by the U.S. Congress is at least an inappropriate federal mandate and at most a blatant transgression upon the state's regulatory authority under the Tenth Amendment;

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

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