

HOUSE JOINT RESOLUTION NO. 18

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE GATTO

Introduced: 4/15/05

Referred: Transportation, Finance

A RESOLUTION

1 **Relating to the federal Maritime Transportation Security Act of 2002 and the state's**
2 **right to tax commercial passenger vessels.**

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

4 **WHEREAS** the sponsor of the federal Maritime Transportation Security Act of 2002
5 subsection 445 (33 U.S.C. 5(b)) has stated that it was never intended to block states' rights to
6 enact head taxes; and

7 **WHEREAS** the current language of 33 U.S.C. 5(b) has unintended consequences; and

8 **WHEREAS** the 33 U.S.C. 5(b) language is an overly broad attempt at codification of
9 existing common law regarding the tonnage clause in art. I, sec. 10, clause 3, Constitution of
10 the United States; and

11 **WHEREAS** Alaska is unwilling to concede its right to regulate commerce within its
12 state waters; and

13 **WHEREAS** the plain meaning of 33 U.S.C. 5(b) has yet to be interpreted by the
14 courts through litigation; and

15 **WHEREAS** the ability to recoup, through taxes, the cost of providing infrastructure
16 and the effect on the State of Alaska that commercial passenger vessels cause is a

1 fundamental issue of state sovereignty;

2 **BE IT RESOLVED** that the Alaska State Legislature requests the United States
3 Congress to clarify or repeal 33 U.S.C. 5(b).

4 **COPIES** of this resolution shall be sent to the Honorable Bill Frist, Majority Leader
5 of the U.S. Senate; the Honorable J. Dennis Hastert, Speaker of the U.S. House of
6 Representatives; and the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S.
7 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
8 delegation in Congress.