

Introduced: 3/3/81
Referred: Resources

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

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SENATE JOINT RESOLUTION NO. 21 am

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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TWELFTH LEGISLATURE - FIRST SESSION

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Relating to federal preemption of

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state oil pollution legislation.

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

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WHEREAS states traditionally have had jurisdiction over the recovery of

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pollution damages; and

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WHEREAS many states have laws relating to oil pollution control, liabil-

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ity, and compensation; and

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WHEREAS states have been leaders in pollution control by creating

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numerous innovative and effective schemes to prevent oil pollution from

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occurring within their boundaries, to provide for cleanup of oil spills, and

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to recover damages rapidly and completely; and

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WHEREAS several states have established clean-up funds similar to the

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proposed federal superfund; and

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WHEREAS local officials have greater knowledge of local problems and

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concerns; and

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WHEREAS state and local systems frequently have been established to

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address particular local needs based on the value of and the desire to

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protect the natural resources of that state or local area; and

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WHEREAS oil pollution cleanup probably can be conducted more efficiently

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and thoroughly under the supervision of state and local officials; and

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WHEREAS state and local governments are best suited to address environ-

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mental problems, as has been recognized in most major federal environmental

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legislation; and

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WHEREAS preemption of state authority for pollution control by federal

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legislative proposals would discourage states from developing comprehensive

1 oil pollution protection programs which are essential if the state is to
2 achieve the important goal of preventing oil discharges into the environment;
3 and

4 WHEREAS preemption of many highly effective state laws by new and
5 untried federal legislation could prove disastrously confusing to the public;
6 and

7 WHEREAS federal legislation which would totally preempt state authority
8 in this area might not provide sufficient protection for each affected
9 state;

10 BE IT RESOLVED that the Alaska State Legislature respectfully requests
11 the United States Congress to protect the interests of the citizens of
12 Alaska by rejecting any federal legislation which would preempt state legis-
13 lation dealing with oil pollution liability and compensation and with state
14 clean-up funds for oil pollution control.

15 COPIES of this resolution shall be sent to the Honorable Ted Stevens
16 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don
17 Young, U.S. Representative, members of the Alaska delegation in Congress,
18 the Honorable Jay Hammond, Governor of the State of Alaska and the Governor's
19 and Legislative Affairs' offices located in Washington, D. C.

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