

**HOUSE JOINT RESOLUTION NO. 49**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY REPRESENTATIVE GREEN**

**Introduced: 1/18/94**

**Referred: Resources**

**A RESOLUTION**

1 **Requesting the United States Department of the Interior to clarify regulations**  
2 **being proposed under the Oil Pollution Act of 1990 relating to evidence of**  
3 **financial responsibility that must be shown by offshore facilities.**

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

5 **WHEREAS 33 U.S.C. 2716(c) (sec. 1016, Oil Pollution Act of 1990) requires offshore**  
6 **facilities operating on most surface water and adjacent wetlands to maintain evidence of**  
7 **financial responsibility in the amount of \$150,000,000; and**

8 **WHEREAS the federal definition of "wetlands" includes virtually all nonmountainous**  
9 **areas in Alaska; and**

10 **WHEREAS the Minerals Management Service, United States Department of the**  
11 **Interior, has proposed regulations that would define "offshore facility" to include a structure,**  
12 **equipment, or device, other than a vessel or deep water port, used for the purpose of exploring**  
13 **for, drilling for, producing, storing, handling, transferring, processing, or transporting oil; and**

14 **WHEREAS this definition of "offshore facility" specifically includes motor vehicles,**  
15 **rolling stock, and pipelines located in, on, or under any United States navigable or territorial**  
16 **waters; and**

1           **WHEREAS** the Alaska State Legislature is concerned that, without further  
2 clarification, the proposed language of this definition might be interpreted to include marinas,  
3 port facilities, utility companies, gasoline filling stations, trucking companies, railroads,  
4 refineries, airports, farms, fishing boats and tenders, manufacturing plants, storage tanks, and  
5 pipelines; and

6           **WHEREAS** this kind of interpretation would be much broader than intended by the  
7 Congress when it established financial responsibility requirements for offshore facilities; and

8           **WHEREAS** implementation of a \$150,000,000 financial responsibility requirement on  
9 offshore facilities under a broad interpretation of the regulations would have a significantly  
10 adverse effect on Alaska villages and municipalities and would probably devastate the  
11 economy of Alaska; and

12           **WHEREAS** the Department of the Interior did not hold hearings in Alaska on the  
13 proposed regulations;

14           **BE IT RESOLVED** that the Alaska State Legislature respectfully urges the  
15 Department of the Interior to clarify the proposed definition of "offshore facility" in the  
16 financial responsibility regulations so that it will only apply to facilities that are more clearly  
17 offshore, as intended by the Congress under the Oil Pollution Act of 1990; and be it

18           **FURTHER RESOLVED** that the Department of the Interior should hold hearings in  
19 Alaska before finalizing any regulations under the Oil Pollution Act of 1990.

20           **COPIES** of this resolution shall be sent to the Honorable J. Bennett Johnston, U.S.  
21 Senator and Chair of the U.S. Senate Natural Resources Committee; the Honorable Bruce  
22 Babbitt, Secretary of the Interior; Tom Fry, Director, Minerals Management Service, U.S.  
23 Department of the Interior; and to the Honorable Ted Stevens and the Honorable Frank  
24 Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of  
25 the Alaska delegation in Congress.