

HJR

29



Alaska State Legislature
House

HOUSE RESOURCES COMMITTEE

Alvin Osterback, Chairman

Pouch V, State Capitol
Juneau, Alaska 99811
(907) 465-3715

9 March 1977

Ernst W. Mueller, Commissioner
Department of Environmental Conservation
Pouch O
Juneau, Alaska 99811

Dear Commissioner,

The House Resources Committee will be reviewing HJR 29 Federal Oil Spill Liability Legislation on Thursday March 17, 1977, at 1:15 p.m. in Room 118 of the Capitol Building.

Please supply us with a position paper or material you have on this bill by the time of the meeting. If you have any information pertinent to these topics, the committee would appreciate receiving that, too. If you know of other interested groups, please contact them.

If you have suggested amendments, please supply the staff with copies of that prior to the meeting.

If there is a fiscal implication and a note is necessary, please prepare it and submit it to the committee -- preferably prior to the meeting.

Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "Al Osterback".

Al Osterback, Chairman
House Resources Committee

cc: Fran Ulmer
Geoffrey Haynes

AO:ts

HOUSE

DAILY COMMITTEE ANNOUNCEMENTS

DATE: Tuesday, March 29, 1977

*Prepared by the Office of the
Chief Clerk*

| | Room | TIME | TOPIC |
|-----------------------------------|---------------|--|---|
| COMMERCE 465-3889 3824 | COURT 628 | 8:00 a.m. 3/30 | HB 102 (Public utility rates) HB 399 (Utility consumer counsel) |
| FINANCE 465-3795 | CAP. 411 | 1:15 p.m. 3/29 | HB 251 (Reconstruction of Twin Hills School) HB 248 (Ak. Pipeline Commission) HB 349 (Sup.App./Legis. Affairs Agency) HB 13 (Ak. longevity bonus) SB 120 (Sup.App./Dept. of Ed.) HB 370 (Green Lake hydroelec. project) HB 252 - HB 253 - HB 264 - Fisheries enhancement bills |
| HESS 465-3797 3777 | CAP. 110 | 3:00 p.m. 3/29 | HB 212 (Instructional units & instructional unit allotments) HB 381 (Construction/comfort stations-Colony Village Museum & Tourist Center) HB 287 (Prohibiting sex discriminating in education) |
| JUDICIARY 465-3718 3882 | CAP. 124 | 1:15 p.m. 3/29 7:00 p.m. 3/29 | w/State Affairs on HJR 7 (Unicameral Legislature Proposal) Joint hearings in Room 112 HB 398 (Implementing the recom. of the Ak. Salary Com. relating to retirement benefits) HCR 45 (Approving certain recom. of the Salary Commission) |
| LABOR & MGT. 465-4981 | ASBLY 207 | | |
| C&RA 465-3820 | COURT 620 | 8:00 a.m. 3/30 3:00 p.m. 3/30 | HB 219 (permits/fees-construction facilities associated w/Outer Continental Shelf) Joint w/S. on HB 342/SB220 - Coastal zone management In Room 120 of the Capitol |
| RESOURCES 465-3715 3781 | CAP. 118 | 1-15 p.m. 3/29 | HB 383 (State land - leases) HB 387 (Leasing state land other than extraction of nat.res.) CONFIRMATION HEARING: Commercial Fisheries Entry Commission - Charles Stovall; Alan Adas'ak |
| STATE AFFAIRS 465-3832 4988 | CAP. 123-A | 1:15 p.m. 3/29 | JOINT HEARINGS with House Judiciary in Room 112 HJR 7 (Unicameral Legislature Proposal) |
| RULES 465-3764 | CAP. 101 | | |

SPECIAL MINORITY COMMITTEE ON STATE LAND DISPOSAL, Room 200, Assembly - 1:15 p.m., 3/29
w/reps. of administration

SPECIAL MAJORITY COMMITTEE ON STATE LAND DISPOSAL, Briefing w/Mr. Ted Smith - on adjournment
ANNUAL LEGISLATIVE DINNER - Juneau Democratic Precincts at Mikes in Douglas 4/2 - 7:30 p.m.



Introduced: 3/8/77
Referred: Resources

1 IN THE HOUSE

BY SPECKING AND MALONE

2 HOUSE JOINT RESOLUTION NO. 29

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 Relating to federal oil spill liability
6 legislation.

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

8 WHEREAS the United States House of Representatives is presently consider-
9 ing comprehensive oil spill liability legislation which includes a provision
10 for preempting state oil spill liability laws; and

11 WHEREAS Alaska recognizes the great need for comprehensive federal
12 legislation in this critical area to replace the presently inadequate and
13 incomplete liability provisions of present federal law; and

14 WHEREAS oil spill liability law is an essential means for states to
15 encourage safe oil tanker operation, especially considering the great prepon-
16 derance of oil spills which are caused by human error; and

17 WHEREAS Alaska's oil spill liability law provides unique incentives for
18 safe tanker operation; and

add

19 WHEREAS a limitation on oil spill removal liability as proposed in
20 H.R. 776 *and similar legislation* is an arbitrary limit which may not cover the cleanup costs of
21 accidents resulting from present petroleum operations in Alaska nor the pro-
22 bable future petroleum operations in offshore, ice-covered regions; and

23 WHEREAS Alaska's greatest resource wealth is her renewable resources;
24 and

25 WHEREAS these renewable resources should be protected to the greatest
26 degree possible from potential damage from nonrenewable resource development;

27 BE IT RESOLVED that the Alaska State Legislature respectfully requests
28 that the Congress of the United States not preempt the several states from
29 maintaining oil spill liability law which encourages safe petroleum

1 operations; and be it

2 FURTHER RESOLVED that the Alaska State Legislature encourages the U. S.
3 Congress to allow the test of time to determine whether state liability
4 legislation is indeed a complementary component to federal comprehensive oil
5 spill liability law.

6 COPIES of this resolution shall be sent to the Honorable John M. Murphy,
7 Chairman of the House Committee on Merchant Marine and Fisheries; and to the
8 Honorable Ted Stevens and the Honorable Mike Gravel, U. S. Senators, and the
9 Honorable Don Young, U. S. Representative, members of the Alaska delegation
10 In Congress.

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To Chief Clerk

3/14/77

Irene,

~~Pat~~

Sorry, but I just got
the CS from upstairs —

Deanna Nelson

OUTGOING TELEGRAM

February 23, 1977
8:20 p.m. PST
Reno, Nevada
Operator 278

The Honorable Don Young
U. S. House of Representatives
Washington, D. C.

I understand that the Subcommittee on the Coast Guard of the House Merchant Marine and Fisheries Committee is again considering legislation on comprehensive oil pollution liability and compensation, and that hearings will be held this week. Last year HR 14862 was passed out of committee, and has been reintroduced as HR 776. While we support the concept of this bill, we strongly object to the provision in Sec. 110(a) preempting State jurisdiction over the field of liability, or State development of funds to provide for cleanup and third party damages. Further, we are of the opinion that any such legislation must serve, not only as a source of readily available funds for recovery of damages, but must also provide an economic incentive to improve vessel construction and operation. HR 776 does not accomplish the latter.

In the last few years, a number of states, including our own, have developed schemes to either provide for state-operated cleanup programs or third party damage claims, or both. Most such programs are funded through per barrel taxes, civil penalties, license fees, premiums, or a combination thereof.

Alaska's program is unique in that it is designed to provide incentives for safer operations and funds only oil spill cleanup costs, rather than including third party damages. We feel that this scheme is compatible with the development of a national program.

As well, we are concerned that the Federal program, through preemption of jurisdiction of State courts, would be unsympathetic to the peculiar needs of Alaskans, particularly those dependent upon ocean resources for their livelihood. State courts, which have traditionally handled liability, are much more acquainted with both the field and local perspective and need.

We will provide you and the Subcommittee with more detailed information soon.

Ernst W. Mueller
Commissioner
Alaska Department of Environmental
Conservation

AMENDMENT

OFFERED IN THE HOUSE:

By: Resources

To: _____

HOUSE BILL No.

Hjr 29

SENATE BILL No.

PAGE: 1

LINE: 20

~~After~~

After H. R. 776 add-

"and similar legislation"



JUNEAU ALASKA

Alaska State Legislature
House

HOUSE RESOURCES COMMITTEE

11 MARCH 1977

AGENDA

Call Meeting to Order.

Bill Under Consideration:

HB 264 Fisheries Enhancement
HJR 29 FEDERAL OIL SPILL LIABILITY Legislation
Discussion, Questions.

Adjournment.