



# LAWS OF ALASKA

1991

**Source**

HCS CSSB 213(JUD)

**Chapter No.**

18

**AN ACT**

Relating to State v. Amerada Hess with respect to transfers to the dividend fund; and providing for an effective date.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 5, 1991  
Actual Effective Date: June 6, 1991

AN ACT

1 Relating to State v. Amerada Hess with respect to transfers to the dividend fund; and  
2 providing for an effective date.  
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6 \* Section 1. INTENT. (a) The legislature intends that the issue raised by the defendants' challenge  
7 for cause in State v. Amerada Hess, et al., 1JU-77-847 Civ. (Superior Court, First Judicial District) be  
8 resolved by the Alaska Supreme Court as quickly as possible so that the trial set for November 4, 1991,  
9 is not delayed. The legislature, therefore, respectfully requests the Department of Law to seek immediate  
10 review of the superior court ruling, and also requests the Alaska Supreme Court to issue a decision as  
11 soon as possible, if necessary, in advance of a formal opinion.

12 (b) The legislature also requests that the state seek an early decision in this case on whether, in  
13 light of Alaska Civil Rule 47(c)(12), a juror must be disqualified, if the juror has no financial interest  
14 in the outcome of the case other than that of a taxpayer or a permanent fund dividend recipient.

15 (c) It was not the intent of the legislature in enacting AS 22.20.022 to allow the disqualification  
16 of a judge, if the judge has no financial interest in the outcome of the case other than that of a taxpayer  
17 or a permanent fund dividend recipient.

18 \* Sec. 2. AS 43.23.045(b) is amended to read:

19 (b) Notwithstanding AS 37.13.145 [ANY CONTRARY PROVISION OF LAW], each  
20 year the commissioner shall transfer to the dividend fund 50 percent of the income of the Alaska  
21 permanent fund earned during the fiscal year ending on June 30 of the current year and available

**Chapter 18**

1 for distribution under AS 37.13.140. [HOWEVER, INCOME EARNED ON MONEY  
2 AWARDED AFTER TRIAL IN STATE V. AMERADA HESS, ET AL., 1JU-77-847 CIV.  
3 (SUPERIOR COURT, FIRST JUDICIAL DISTRICT) SHALL BE TREATED IN THE SAME  
4 MANNER AS OTHER INCOME OF THE ALASKA PERMANENT FUND, EXCEPT THAT  
5 IT IS NOT AVAILABLE FOR DISTRIBUTION TO THE DIVIDEND FUND, AND SHALL  
6 BE ANNUALLY DEPOSITED INTO THE PRINCIPAL OF THE ALASKA PERMANENT  
7 FUND.]

8 \* Sec. 3. AS 43.23.045 is amended by adding a new subsection to read:

9 (e) Notwithstanding (b) of this section, income earned on money awarded in or received  
10 as a result of State v. Amerada Hess, et al., 1JU-77-847 Civ. (Superior Court, First Judicial  
11 District), including settlement, summary judgment, or adjustment to a royalty-in-kind contract that  
12 is tied to the outcome of this case, or interest earned on the money, or on the earnings of the  
13 money shall be treated in the same manner as other income of the Alaska permanent fund, except  
14 that it is not available for distribution to the dividend fund, and shall be annually deposited into  
15 the principal of the Alaska permanent fund.

16 \* Sec. 4. AS 43.23.045(e), added by sec. 3 of this Act, is repealed on the day that the revisor of  
17 statutes certifies to the legislature that the Alaska Supreme Court has made a final determination that,  
18 in the absence of AS 43.23.045(e), added by sec. 3 of this Act, no judge or juror is disqualified from  
19 serving as judge or juror solely because the judge or juror may qualify to receive a permanent fund  
20 dividend.

21 \* Sec. 5. This Act takes effect immediately under AS 01.10.070(c).