

HOUSE CONCURRENT RESOLUTION NO. 29 am
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON THE EXXON VALDEZ OIL SPILL CLAIMS SETTLEMENT

Amended: 5/2/91
Introduced: 5/2/91
Referred: Today's Calendar

A RESOLUTION

1 **Relating to the proposed Exxon Valdez oil spill settlement.**

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

3 **WHEREAS** the Attorney General has negotiated an "Agreement and Consent Decree" and a
4 "Memorandum of Agreement and Consent Decree", both signed March 12, 1991, and relating to the
5 settlement of State v. Exxon Corporation, et al., No. 89-06852 (Alaska Superior Court, Third Judicial
6 District), and of State v. Exxon Corporation, et al., No. A91-083 (United States District Court, District
7 of Alaska); and

8 **WHEREAS** under the terms of the proposed settlement the legislature has been granted an
9 opportunity to review the settlement and to express its approval or disapproval of it; and

10 **WHEREAS** the House Special Committee on the Exxon Valdez Oil Spill Claims Settlement has
11 carefully reviewed the proposed settlement, and has concluded that it should be disapproved unless
12 certain changes are made;

13 **BE IT RESOLVED** by the Alaska State Legislature that the proposed settlement is disapproved
14 as written; and be it

15 **FURTHER RESOLVED** that the parties to the proposed settlement are requested to amend the
16 proposed settlement in the following respects:

17 (1) to provide for the payment of at least \$100,000,000 in settlement of civil claims

1 within 90 days of the date the settlement is approved and, in addition, at least \$600,000,000 in settlement
2 of civil claims within one year thereafter;

3 (2) to provide for a plea agreement establishing a criminal fine of at least \$500,000,000,
4 with at least \$100,000,000 of the fine to be remitted on payment of that amount to the State of Alaska
5 as restitution for economic losses incurred by the state as a result of the oil spill, and with at least
6 \$300,000,000 of the fine to be remitted on payment of that amount into the trust fund established in the
7 civil settlement, as restitution for damages to natural resources;

8 (3) to provide that there shall be no deduction from state taxes of any amounts payable
9 under the settlement;

10 (4) to provide for membership of two members of the legislature as ex officio nonvoting
11 members of the trustee board governing the operation of the trust fund established in the civil settlement;

12 (5) to provide that the state's share of the funds recovered in the settlement shall be
13 subject to appropriation into the trust fund and, if constitutionally required, expenditures from the trust
14 fund of the state's share shall be subject to appropriation by the Alaska State Legislature;

15 (6) to provide that if the trust fund is found to be an unconstitutional dedicated fund, the
16 civil settlement shall in all other respects be maintained;

17 (7) to provide that the funding decisions of the trustees of the trust fund shall be made
18 with input from a broad-based citizens' advisory board, that the trustees shall comply with Alaska law
19 regarding open meetings, public records, and adoption of regulations, and that the trust fund shall be
20 subject to oversight and auditing by the General Accounting Office and by the Legislative Budget and
21 Audit Committee;

22 (8) to provide that scientific and economic data obtained by the state shall be released
23 unless the state demonstrates that the data is privileged, and that release of the information would
24 materially and substantially harm the state's case in pending litigation;

25 (9) to clarify that third-party claims and claims for damages to archaeological resources
26 are not diminished or extinguished;

27 (10) to require the parties to enter good faith negotiations to resolve the claims of third
28 parties; and

29 (11) to delete the "reopener" clause; and be it

30 **FURTHER RESOLVED** that copies of this resolution shall be sent to the Honorable H. Russel
31 Holland, Chief Judge, United States District Court for the District of Alaska; Jack G. Clarke, Senior
32 Vice-President, Exxon Corporation; Richard Stewart, Assistant Attorney General, Environmental and

1 Natural Resources Division, United States Department of Justice; the Honorable Walter J. Hickel,
2 Governor of the State of Alaska; and to the Honorable Charles F. Cole, Attorney General of the State
3 of Alaska.