

HOUSE CS FOR CS FOR SENATE BILL NO. 213 (JUDICIARY)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/18/91

Referred: Finance

Sponsor(s): SENATE RULES/GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to State v. Amerada Hess with respect to transfers to the dividend fund;
2 and providing for an effective date."

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

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

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

13 (c) It was not the intent of the legislature in enacting AS 22.20.022 to allow the disqualification
14 of a judge, if the judge has no financial interest in the outcome of the case other than that of a taxpayer

1 or a permanent fund dividend recipient.

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

3 (b) Notwithstanding AS 37.13.145 [ANY CONTRARY PROVISION OF LAW], each
4 year the commissioner shall transfer to the dividend fund 50 percent of the income of the Alaska
5 permanent fund earned during the fiscal year ending on June 30 of the current year and available
6 for distribution under AS 37.13.140. [HOWEVER, INCOME EARNED ON MONEY
7 AWARDED AFTER TRIAL IN STATE V. AMERADA HESS, ET AL., 1JU-77-847 CIV.
8 (SUPERIOR COURT, FIRST JUDICIAL DISTRICT) SHALL BE TREATED IN THE SAME
9 MANNER AS OTHER INCOME OF THE ALASKA PERMANENT FUND, EXCEPT THAT
10 IT IS NOT AVAILABLE FOR DISTRIBUTION TO THE DIVIDEND FUND, AND SHALL
11 BE ANNUALLY DEPOSITED INTO THE PRINCIPAL OF THE ALASKA PERMANENT
12 FUND.]

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

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

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

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