

HJR

25

HOUSE COMMITTEE REPORT

(7)  
Date Referred: March 13, 1991

FURTHER REFERRALS:

Date of Committee Action: 3-18-91

The JUDICIARY Committee considered:

HJR 25

HOUSE JOINT RESOLUTION NO. 25

DISCLOSURE; EXXON VALDEZ SETTLEMENT DATA

Relating to economic and scientific data developed as a result of the Exxon Valdez litigation.

RECOMMENDATIONS:

be replaced with

CSHJR 25 (JUD)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) LAA 3-13-91

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>David Dowley</i>		<i>Terry Maston</i>	✓		
<i>Hy Sellers</i>		<i>Mark C. ...</i>		X	
<i>Kevin Pat Parnell</i>					
<i>Max ...</i>					

*David Dowley*  
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CSHJR 25

Revision Date: \_\_\_\_\_ Department Affected: Legislative Affairs Agency  
 Title: Relating to economic and scientific data developed as a result of the Exxon Valdez litigation. BRU: \_\_\_\_\_  
 Sponsor: Representative Navarre Component: \_\_\_\_\_  
 Requestor: House Resources COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Rep. Cliff Davidson, Chairman Phone: 465-2487  
 Division: House Resources Date: March 12, 1991

Approved by Commissioner: Rep. Cliff Davidson, Chairman *Cliff Davidson*  
 Agency: \_\_\_\_\_ Date: March 12, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

ALASKA STATE LEGISLATURE  
REPRESENTATIVE MIKE NAVARRE

Co-Chair  
House Finance Committee  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3779

March 10, 1991

TO: Representative Cliff Davidson, Chair, House Resources Committee

FROM: Representative Mike Navarre *Mike*

SUBJECT: Sponsor Statement for HJR 25 & HCR 8, resolutions relating to the Exxon Valdez settlement data.

.....

House Joint Resolution 25 and House Current Resolution 8 are essentially the same in content. The only difference in the resolutions is in the last paragraph where directions are given to whom is to receive the resolutions. The Uniform Rules of the Alaska State Legislature in Rule 49 specifies the type of resolution and the appropriate manner in which the resolution is to be handled.

The essence of both resolutions is to require that the economic and scientific data collected from the studies of Exxon Valdez tragedy be released. It is unthinkable that some entity, individual, or organization would desire to lock-up data from an ecological mishap. The economic and scientific data is relevant and needed to avoid future mishaps or, if another mishap does occur society will be better able to handle the diasters aftermath.

Why does the Legislature need to ensure the release of the scientific and economic data from the Exxon spill?

1. Other entities that may litigate in the future may find the data useful.
2. To ensure proper resource management the data would be useful in determining the evolutionary happenings in the waters of Alaska.
3. Both the U.S. Congress and the Alaska Legislature need to know the effects on the marine environment, in order to determine the future of drilling and transport of oil in the Alaskan environment.
4. Long term policy involving the use double-hull tankers.
5. Release of the data to only Exxon should be unacceptable.
6. The public paid directly or indirectly for these studies, therefore it is unacceptable not to allow public access to the data generated as a result of the Exxon spill.

DISTRICT 5

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ALASKA STATE LEGISLATURE  
REPRESENTATIVE MIKE NAVARRE

Co-Chair  
House Finance Committee  
P.O. Box V  
Juneau, Alaska 99811  
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7. To properly continue the restoration of Prince William Sound and other areas of the State data on what has been accomplished needs to be available.

It is difficult to see the downside of these two resolutions, but in order to be overly cautious one could consider the potential legal exposure that the State may have. The balance between blocking access and open information to any data in a free society must be carefully weighed as to its outcomes.

DISTRICT 5

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# HOUSE COMMITTEE REPORT

(9)  
Date Referred: February 20, 1991

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 3/12/91

The RESOURCES Committee considered:

HJR 25

HOUSE JOINT RESOLUTION NO. 25

DISCLOSURE; EXXON VALDEZ SETTLEMENT DATA

Relating to economic and scientific data developed as a result of the Exxon Valdez litigation.

RECOMMENDATIONS:  
 be replaced with CS HJR 25  the same title  
 a new title  
 have attached amendments(s)  
 do pass  
 do not pass  
 no recommendations  
 individual recommendations  
 additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note House Res.

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
<u>Clay Davidson</u> DAVIDSON	<u>Soren A. Lemau</u> LEMAU		<input checked="" type="checkbox"/>	
<u>Lincoln</u> LINCOLN	<u>Bill Hudson</u> HUDSON		<input checked="" type="checkbox"/>	
<u>Juan</u> JUAN				
<u>Charles</u> CHARLES				
<u>David Zambelli</u>				
<u>Tom Moyer</u> MOYER	<u>Jim Zambelli</u> ZAMBELLI	<input checked="" type="checkbox"/>		

FINKELSTEIN

Clay Davidson  
Chairman's Signature

**HOUSE CONCURRENT RESOLUTION NO. 8**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - FIRST SESSION**

BY REPRESENTATIVES NAVARRE, Kubina, Brown, Ellis, Moyer, Ulmer, Koponen, Finkelstein

Introduced: 2/20/91

Referred: Resources, Judiciary

**A RESOLUTION**

1 Relating to economic and scientific data developed as a result of the Exxon Valdez  
 2 litigation.

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

4       **WHEREAS** many parties to the civil and criminal actions arising out of the March 1989 oil spill  
 5 caused by the grounding of the Exxon Valdez have, as a result of the litigation, generated substantial  
 6 economic and scientific studies of the results of the spill; and

7       **WHEREAS** those studies are of great interest to the public, especially to those who were affected  
 8 by the spill, those studying the spill, and those trying to develop measures to mitigate possible large  
 9 future spills; and

10       **WHEREAS** as a matter of public policy, materials produced in litigation should be a matter of  
 11 public record, especially when governmental entities are litigants; and

12       **WHEREAS** the Alaska Supreme Court ruled in Anchorage School District v. Anchorage Daily  
 13 News, 779 P.2d 1191 (Alaska 1989), that the public records disclosure statutes, AS 09.25.110 -  
 14 09.25.125, overrode a governmental entity's attempt to make a litigation settlement confidential, thus  
 15 making it likely that any confidentiality provisions in an Exxon Valdez settlement would be ruled  
 16 illegal;

*ADD address from joint resolution*

*all copies available*

1           **BE IT RESOLVED** that the Alaska State Legislature urges that any settlement of the civil or  
2 criminal litigation arising from the Exxon Valdez spill provide that all economic and scientific studies  
3 generated by the litigation be open to public inspection and not be treated as confidential material.

4           **COPIES** of this resolution shall be sent to the Honorable Walter Hickel, Governor of the State  
5 of Alaska; to the Honorable Charles Cole, Attorney General of the State of Alaska; to the Honorable  
6 Brian Shortell, Superior Court Judge for the Third Judicial District of Alaska; and to all other heads of  
7 departments in the executive branch of the government of the State of Alaska.

3597 (File Nos. S-2647, S-3076, S-3033),  
P.2d (1990).

**Sec. 09.25.121. Copies of public records for veterans.** When a copy of a public record is required by the Department of Military and Veterans' Affairs, the Department of Commerce and Economic Development, or by the United States Veterans' Administration to be used in determining the eligibility of a person to participate in benefits, the official custodian of the public record shall, without charge, provide the applicant for the benefits, a person acting on behalf of the applicant, or an authorized representative of the department or the United States Veterans' Administration with a certified copy of the record. (§ 1 ch 35 SLA 1981; am § 2 ch 21 SLA 1985)

**Effect of amendments.** — The 1985 amendment substituted "Department of Military and Veterans' Affairs" for "division of veterans' affairs" in the first instance in which it appeared and substi-

tuted "department" in the second instance, inserted "the" preceding "Department of Commerce," and made a minor punctuation change.

**Sec. 09.25.122. Litigation disclosure.** A public record that is subject to disclosure and copying under AS 09.25.110 — 09.25.120 remains a public record subject to disclosure and copying even if the record is used for, included in, or relevant to litigation, including law enforcement proceedings, involving a public agency, except that with respect to a person involved in litigation, the records sought shall be disclosed in accordance with applicable court rules. In this section, "involved in litigation" means a party to litigation or representing a party to litigation, including obtaining public records for the party. (§ 6 ch 200 SLA 1990)

**Effective dates.** — Section 6, ch. 200, SLA 1990, which enacted this section, took effect on September 25, 1990.

**Sec. 09.25.123. Supervision and regulation.** (a) The Telecommunications Information Council shall supervise and adopt regulations for the operation and implementation of AS 09.25.110 — 09.25.140 by public agencies in the executive branch, including the Alaska State Housing Authority, but not including the Alaska Railroad Corporation.

(b) The legislative council shall supervise and adopt procedures for the operation and implementation of AS 09.25.110 — 09.25.140 by public agencies in the legislative branch.

(c) The administrative director of courts shall supervise and adopt procedures for the operation and implementation of AS 09.25.110 — 09.25.140 by public agencies in the judicial branch.