

SJR

18

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 3/24/99

FURTHER: Resources

Date of 5-Day Notice: 4-1-99
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: _____

Judiciary Committee considered

SENATE JOINT RESOLUTION NO. 18

Requesting Exxon Corporation to pay claimants for court-ordered damages resulting from the Exxon Valdez oil spill.

and recommends:

be replaced with _____ CS _____ (_____)

adopt previous _____ CS _____ (_____)

attached amendment(s)

adopt Letter of Intent by _____ Committee

further referral to the _____ Committee

Senate Bill:

same title
 new title

House Bill:

same title
 technical title
 new: SCR# _____

<u>(SIGNING DO PASS)</u>	<u>DP</u>	<u>OTHER RECOMMENDATIONS</u>	<u>NR</u>	<u>DNP</u>	<u>AM</u>
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
<i>[Signature]</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>[Signature]</i>		CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SJR 18

Revision Date (Note if correction) 04/07/99 Dept. Affected _____
 Title Exxon Valdez Damage Claims BRU _____
 Component _____
 Sponsor Senator Lincoln
 Requester Senate Judiciary Committee Component Serial No. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution is anticipated to have no fiscal impact on state agencies.

Prepared by Sue Mossgrove Phone 465-3717
 Division Senate Judiciary Committee Date 4/7/99
 Approved by Senator Taylor Date 4/7/99
 Agency Chair, Senate Judiciary

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ALASKA STATE LEGISLATURE

Senator Georgianna Lincoln

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Wooman

Sponsor Statement SJR 18

SJR 18 requests Exxon Corporation pay punitive damages claims resulting from the Exxon Valdez oil spill. It has been 10 years since the spill, and 5 years since an Alaskan jury in federal district court returned a \$5 billion punitive damages judgement against Exxon. Over 40,000 claimants have waited while Exxon has filed numerous motions and appeals to overturn the verdict, request new trials, or otherwise delay payment.

The legislature has been very supportive of the oil industry and has offered many incentives for development. An important element of the partnership between government and industry is good corporate citizenship. In order to help bring closure to the Exxon Valdez oil spill, SJR 18 urges Exxon to cease its efforts to avoid or delay payment of the court ordered judgement and pay all claimants due punitive damages.

EVOS LITIGATION ABBREVIATED TIMELINE

- March 24, 1989: Exxon Valdez grounds on Bligh Reef and spills 11 million gallons of crude oil.
- May 2, 1994: Trial begins in federal court - +5 years after spill.
- September 16, 1994: Jury in federal court returns \$5 billion punitive damages verdict in Phase III of case.
- September 30, 1994: Exxon files 12 motions to overturn the jury verdicts.
- October 3, 1994: Exxon files 3 motions to overturn the jury verdicts.
- January 27, 1995: Judge Holland denies Exxon's motions to overturn the jury verdicts (Order 267).
- February 7, 1995: Exxon files motion asking to depose the jurors and a motion to adjust the Phase IIA verdict.
- February 7, 1995: Exxon files motion to reconsider the order re: chum price and to reconsider order re: UCI setnetter harvest.
- May 5, 1995: Judge Holland denies Exxon's motion to reconsider the jury verdict regarding chum salmon price.
- June 13 and 14, 1995: Judge Holland conducts jury interviews.
- July 12, 1995: Exxon files motion to depose Juror Rita Wilson and Reporter Natalie Phillips.
- July 12, 1995: Exxon seeks access to Jurors Murray and Dean original juror questionnaires filed under seal.
- August 11, 1995: Judge Holland denied Exxon's motion for the juror questionnaires.
- August 16, 1995: Judge Holland denied Exxon's motion to depose Wilson and Phillips.
- September 6, 1995: Exxon files motion for a new trial claiming juror misconduct and coercion.
- October 24, 1995: Exxon files motion to amend the Phase 11(a) findings and adjust verdict re: UCI setnetters.
- October 24, 1995: Exxon files motion attacking punitive damages verdict.
- November 13, 1995: Exxon opposes Plaintiffs' motion to finalize the

- Phase IIA verdict.
- February 14, 1996: Plaintiffs are served with a complaint for declaratory relief from the Seattle Seven seeking a percentage of plaintiffs' damages on behalf of Exxon
- February 20, 1996: Judge Holland denies Exxon's motion for new trial based on possible juror misconduct and coercion (Order 308).
- March 6, 1996: Seattle Seven intervene in litigation on behalf of Exxon.
- March 18, 1996: Exxon files motion attacking punitive damage verdict and Seattle Seven object to Plan of Allocation acting on Exxon's behalf.
- April 5, 1996: Judge Holland denied Exxon's fourth attack on the UCI setnetter verdict (Order 316).
- June 11, 1996: Judge Holland approves Plan of Allocation and denounces Seattle Seven/Exxon scheme (Order 317).
- June 18, 1996: Exxon files motion to reconsider Court's order re: Seattle Seven.
- August 6, 1996: Judge Holland rejects Exxon's attempt to attack the punitive damages verdict based on credits claimed from the Seattle Seven releases (Order 326).
- September 6, 1996: Judge Holland denies Exxon's motion to reconsider order re: Seattle Seven finding that Exxon perpetuated a deception upon the court and the jury (Order 327).
- September 24, 1996: Judgment finally entered on federal court jury verdicts, including \$5 Billion punitive damages award - +7 years after spill -- +2 years after verdict.
- September 30, 1996: Exxon and Seattle Seven file joint notice of appeal on Seattle Seven kickback.
- October 8, 1996: Exxon files motion to alter or amend the judgment and files its bill of costs against certain plaintiffs.
- November 20, 1996: Judge Holland dismisses the Seattle Seven complaint with prejudice.
- December 19, 1996: Seattle Seven and Exxon file appeal challenging dismissal of complaint.
- January 17, 1997: Judge Holland issues order on Exxon's Motion to

- Amend Judgment (Order 332).
- February 12, 1997: Exxon files notice of appeal to Ninth Circuit.
- March 18, 1997: Plaintiffs filed motion for approval of Plans of Distribution.
- September 23, 1997: Exxon moved for a new trial on the ground of "newly discovered" evidence.
- January 5, 1998: The Ninth Circuit issued a limited remand to permit the district court to consider Exxon's motion for new trial.
- March 16, 1998: Exxon deposed Juror Rita Wilson.
- July 31, 1998: Judge Holland denied Exxon's second motion for a new trial (Order 339).
- August 7, 1998: Exxon filed an appeal on the denial of the second motion for a new trial.
- Where we are now: The final brief on Exxon's second motion for a new trial was filed on November 27, 1998. Oral argument will be scheduled in front of a panel of three judges from the Ninth Circuit sometime in 1999. Once the Ninth Circuit makes its decision (on a date unknown), Exxon can be expected to file a petition for further review of an adverse decision to the United States Supreme Court possibly adding another year to the litigation.

[Back to Litigation Page](#) | [Introduction to Litigation](#)

Cordova District Fishermen United

Celebrating 65 Years of Service to Commercial Fishermen in Cordova, Alaska
P.O. Box 838 Cordova, Alaska 99574 / Telephone (907) 424-3447 / Fax (907) 424-3430

April 5, 1999

Senate Judiciary Committee
Senator Robin Taylor, Chairman
MS 3100
State Capitol
Juneau, AK 99811-0001

SENT VIA FACSIMILE TO (907) 465-3922

Dear Members,

Cordova District Fishermen United (CDFU), the oldest commercial fishing organization of the state representing the salmon and herring fishermen of Prince William, urges your support for SJR 18.

The Exxon Valdez Oil Spill had a profound impact upon not only the ecosystem of Prince William Sound, but also the lives of those men and women whose livelihoods and lifestyles depended upon the harvests of the marine ecosystem. Exxon promised the people of Prince William Sound--lawsuits and court cases notwithstanding--that it would "make Alaska whole again." It is important that Exxon pay its claimants the damages duly assessed in a court of law to compensate those affected by the spill.

Payment of the punitive damages as awarded by the lawsuit should certainly go a long way toward bringing closure to this very painful and sensitive chapter in the lives of those impacted by the Spill.

Respectfully submitted,



Sue Aspelund
Executive Director

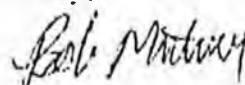
March 31, 1999

Senate Judiciary Committee
Robin Taylor, Chair

Dear Committee Members:

I fully support SJR 18 in the effort to finalize the claims of so many Alaskans. As a lifetime commercial fisherman from Cordova, I have suffered through bankruptcy, depressed prices for our fish, and depressed lives for the citizens who depend on the environment to provide our sustainable way of life. In the post spill years I was forced to move to the Mat-Su valley from Cordova, just to be able to afford groceries and other basic necessities for my family. Well, I found that the grass was not greener here. With tax attorney fees from my bankruptcy, high payments for my boat and house and low prices for our fish, I'm barely hanging on. The input of 5 billion dollars into the state's economy, would no doubt help the state's financial crisis. It would definitely help the situation of people like myself, before we go under. I applaud the efforts of this resolutions sponsors! Thank you.

Sincerely,



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