

SCOMM

76:11

7-LS1314A
Cook
5/1/91

HOUSE CONCURRENT RESOLUTION NO.
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

Introduced:
Referred:

A RESOLUTION

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

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

3 WHEREAS the Attorney General has negotiated a proposed settlement of most of the state's
4 claims arising from the Exxon Valdez oil spill; and

5 WHEREAS, under the terms of the proposed settlement, the legislature has been granted an
6 opportunity to review the settlement and to express its approval or disapproval of it, but the period
7 within which the legislature must act on the matter will expire May 3, 1991; and

8 WHEREAS the House of Representatives and the Senate have established special committees
9 to consider the proposal and the committees have worked diligently on the issue; and

10 WHEREAS the proposed settlement of state claims arising from the Exxon Valdez oil spill has
11 been further complicated by the court's recent rejection of the plea agreement entered into by the parties
12 in United States of America v. Exxon Corporation and Exxon Shipping Company, No. A90-015 Cr.; and

13 WHEREAS, under the terms of the proposed agreement, any of the parties, including Exxon,
14 can terminate the proposed settlement on or before May 4, 1991, due to the court's rejection of the plea
15 agreement; and

16 WHEREAS, by letter dated April 25, 1991, Charles Cole, Attorney General, stated that he
17 believes action by the legislature to approve the proposal is not appropriate until Exxon decides whether

1 to terminate it; and

2 **WHEREAS** the Senate Special Committee on the Exxon Valdez Oil Spill Claims Settlement has
3 issued a report raising a number of concerns regarding the proposed settlement; and

4 **WHEREAS** the House Special Committee on the Exxon Valdez Oil Spill Claims Settlement has
5 suggested that certain provisions of the proposed settlement be altered; and

6 **WHEREAS** an extension of the time for withdrawal from the proposed settlement would enable
7 the parties to deliberate without undue haste concerning how best to respond to the actions of the federal
8 district court and the Senate and House special committees;

9 **BE IT RESOLVED** that the Alaska State Legislature requests the parties to the proposed
10 Agreement and Consent Decree signed March 12, 1991, relating to the settlement of State v. Exxon
11 Corporation, et al., United States District Court, District of Alaska, No. A91-083 Civ., to extend the date
12 by which the state and federal governments may withdraw from the agreement on the basis of the
13 legislature's disapproval until at least May 13, 1991; and be it

14 **FURTHER RESOLVED** that, unless an extension is granted to the legislature to consider the
15 proposed settlement, the Alaska State Legislature disapproves the proposed settlement.

16 **COPIES** of this resolution shall be sent to the Honorable H. Russel Holland, Chief Judge, United
17 States District Court for the District of Alaska; Jack G. Clarke, Senior Vice-President, Exxon
18 Corporation; Richard Stewart, Assistant Attorney General, Environmental and Natural Resources
19 Division, United States Department of Justice; and to the Honorable Walter J. Hickel, Governor of the
20 State of Alaska.

7-LS1323A
Cook
5/1/91

HOUSE CONCURRENT RESOLUTION NO.
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

Introduced:

Referred:

A RESOLUTION

1 Approving the proposed Exxon Valdez oil spill claims settlement.

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

3 WHEREAS the Attorney General has negotiated a proposed settlement of most of the state's
4 claims arising from the Exxon Valdez oil spill; and

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

7 WHEREAS the Attorney General has stated in a public meeting that if the legislature fails to
8 approve the proposed settlement the state will take action to terminate the proposal;

9 BE IT RESOLVED by the Alaska State Legislature that it approves the Agreement and Consent
10 Decree signed March 12, 1991, relating to the settlement of State v. Exxon Corporation, et al., United
11 States District Court, District of Alaska, Civil Action No. A91-083; and be it

12 FURTHER RESOLVED that the Governor is respectfully requested to inform the United States
13 Department of Justice that the legislature has approved the proposed settlement.

Whereas the Attorney General has negotiated a proposed settlement of most of the state's claims arising from the Exxon Valdez oil spill; and

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

Whereas the House Special Committee on the Exxon Valdez Oil Spill Claims Settlement has carefully reviewed the proposed settlement, and has concluded that it should be disapproved unless certain changes are made; now therefore,

Be it resolved that the House of Representatives disapproves of the proposed settlement as written; and be it further resolved that the parties are requested to amend the proposed settlement in the following respects:

- (1) To provide for the payment of the all sums due under the settlement within one year of the date the settlement is approved;
- (2) To provide that a substantial portion of any criminal fine be remitted to the Trust Fund established in the civil settlement, and that at least 50% of any portion which is not so remitted, be remitted to the State;
- (3) To provide that there shall be no deduction from State taxes of any amounts payable under the settlement;
- (4) To provide for membership of two members of the legislature as ex officio non-voting members of the trustee board governing the operation of the Trust Fund established in the civil settlement;
- (5) To provide that the Alaska legislature shall have the power to appropriate money into and out of the Trust Fund to the extent required by the Alaska Constitution;
- (6) To provide that if the Trust Fund is found to be an unconstitutional dedicated fund, the civil settlement shall in all other respects be maintained;
- (7) To provide that the funding decisions of the Trust Fund shall be made with input from a broad-based Citizens Advisory Board, and that the trustees shall comply with Alaska law regarding open meetings, public records, and promulgation of rules and regulations;
- (8) To provide that scientific and economic data obtained by the State shall be released unless the State demonstrates that it is privileged, and that release of the information would

materially and substantially harm the State's case in pending litigation;

(9) To clarify the status of third party claims and claims for damages to archaeological resources; and

(10) To require the parties to enter good faith negotiations to resolve the claims of third parties.

7-LS1330A

Cook

5/1/91

HOUSE CONCURRENT RESOLUTION NO.
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

Introduced:

Referred:

A RESOLUTION

1 Relating to the Exxon Valdez oil spill settlement.

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

3 WHEREAS the Attorney General has negotiated a proposed settlement of most of the state's
4 claims arising from the Exxon Valdez oil spill; and

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

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

10 BE IT RESOLVED by the Alaska State Legislature that the proposed settlement is disapproved
11 as written; and be it

12 FURTHER RESOLVED that the parties to the proposed settlement are requested to amend the
13 proposed settlement in the following respects:

14 (1) to provide for the payment of at least \$700,000,000 within one year of the date the
15 settlement is approved;

16 (2) to provide for a plea agreement establishing a criminal fine of at least \$500,000,000,
17 with at least \$100,000,000 of the fine to be remitted on payment of that amount to the State of Alaska

1 as restitution for economic losses incurred by the state as a result of the oil spill, and with at least
2 \$300,000,000 of the fine to be remitted on payment of that amount into the trust fund established in the
3 civil settlement, as restitution for damages to natural resources;

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

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

8 (5) to provide that the state's share of the funds recovered in the civil settlement shall
9 be subject to appropriation into the trust fund, and expenditures from the trust fund of the state's share
10 shall be subject to appropriation by the Alaska State Legislature;

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

13 (7) to provide that the funding decisions of the trustees of the trust fund shall be made
14 with input from a broad-based citizens' advisory board, and that the trustees shall comply with Alaska
15 law regarding open meetings, public records, and adoption of regulations;

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

19 (9) to clarify the status of third-party claims and claims for damages to archaeological
20 resources;

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

23 (11) to delete the "reopener" clause.

HOUSE CONCURRENT RESOLUTION NO.
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

Introduced:

Referred:

A RESOLUTION

1 Disapproving the proposed Exxon Valdez oil spill claims settlement.

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

3 WHEREAS the Attorney General has negotiated a proposed settlement of most of the state's
4 claims arising from the Exxon Valdez oil spill; and

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

7 WHEREAS the Attorney General has stated in a public meeting that if the legislature fails to
8 approve the proposed settlement the state will take action to terminate the proposal;

9 BE IT RESOLVED by the Alaska State Legislature that it disapproves the Agreement and
10 Consent Decree signed March 12, 1991, relating to the settlement of State v. Exxon Corporation, et al.,
11 United States District Court, District of Alaska, Civil Action No. A91-083; and be it

12 FURTHER RESOLVED that the Governor is respectfully requested to inform the United States
13 Department of Justice that the legislature has disapproved the proposed settlement.

A M E N D M E N T

TO: HCR WO 7-LS1314/A Cook 4/29/91

Page 2, lines 2-4, delete existing language and insert:

Whereas the Senate special committee has issued a report raising a number of concerns regarding the proposed settlement; and

Whereas the House special committee has suggested that certain provisions of the proposed settlement be altered; and

Whereas an extension of the time for withdrawal from the proposed settlement would enable the parties to deliberate without undue haste concerning how best to respond to the actions of the federal district court and the Senate and House special committees; now, therefore:

Page 2, line 8: chage "must" to "may"

Page 2, lne 9, after "until", insert "at least"

Page 2, lines 12-13, delete existing language and insert language directing that copies of the resolution be sent to the Governor, Honorable H. Russel Holland (United States District Court, 222 West 7th Avenue #54), Richard Stewart (Assistant Attorney General, Environment and Natural Resources Division, Department of Justice) and Jack G. Clarke (Sr. Vice President, Exxon Corporation).

7-LS1314A-
Cook
4/29/91

HOUSE CONCURRENT RESOLUTION NO.
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

Introduced:
Referred:

A RESOLUTION

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

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

3 WHEREAS the Attorney General has negotiated a proposed settlement of most of the state's
4 claims arising from the Exxon Valdez oil spill; and

5 WHEREAS, under the terms of the proposed settlement, the legislature has been granted an
6 opportunity to review the settlement and to express its approval or disapproval of it, but the period
7 within which the legislature must act on the matter will expire May 3, 1991; and

8 WHEREAS the House of Representatives and the Senate have established special committees
9 to consider the proposal and the committees have worked diligently on the issue; and

10 WHEREAS the proposed settlement of state claims arising from the Exxon Valdez oil spill has
11 been further complicated by the court's recent rejection of the plea agreement entered into by the parties
12 in United States of America v. Exxon Corporation and Exxon Shipping Company, No. A90-015 Cr.; and

13 WHEREAS, under the terms of the proposed agreement, any of the parties, including Exxon,
14 can terminate the proposed settlement on or before May 4, 1991, due to the court's rejection of the plea
15 agreement; and

16 WHEREAS, by letter dated April 25, 1991, Charles Cole, Attorney General, stated that he
17 believes action by the legislature to approve the proposal is not appropriate until Exxon decides whether

1 to terminate it; and

2 **WHEREAS** the legislature needs more time within which to consider the implications of the
3 rejection of the plea agreement and the possible effect of the proposed settlement on the state in light
4 of this rejection.

5 **BE IT RESOLVED** that the Alaska State Legislature requests the parties to the proposed
6 Agreement and Consent Decree signed March 12, 1991, relating to the settlement of State v. Exxon
7 Corporation, et al., United States District Court, District of Alaska, No. A91-083 Civ., to extend the date
8 by which the state and federal governments must withdraw from the agreement on the basis of the
9 legislature's disapproval until May 13, 1991; and be it

10 **FURTHER RESOLVED** that, unless an extension is granted to the legislature to consider the
11 proposed settlement, the Alaska State Legislature disapproves the proposed settlement; and be it

12 **FURTHER RESOLVED** that the Governor is respectfully requested to make copies of this
13 resolution available to the parties to the proposed settlement.

GRUENBERG PROPOSAL

I. Payment Terms

A. Amount

<u>Civil</u>	<u>Criminal</u>	<u>Total</u>
\$700 million	\$500 million	\$1.2 billion

B. Schedule

1. W/in 90 days: \$100 m. civil, \$500 m. criminal
2. W/in 1 year thereafter: \$600 million civil

C. Other changes and details

1. The civil settlement will be paid as under the present Consent Decree, that is:
\$72 million to State as reimbursement
\$66 million to feds as reimbursement
Cleanup, etc. as in the Consent Decree
2. The criminal payments will be:
\$50 million fine to feds
\$50 million restitution to State
\$400 million restitution to Trust Fund
3. Delete reopener clause
4. Exxon agrees not to take a State tax deduction

II. Payment Mechanism

A. Dedicated Fund issue

Severability clause: Exxon lk; must pay even if the Trust Fund is later determined to be an unconstitutional dedicated fund.

B. Appropriations issues

The process must be constitutional:

1. Appropriations into the Trust Fund must be approved by the legislature.
2. Appropriations from the Trust Fund must also be approved by the legislature.

III. Trust Fund Operations/Public Input

- A. Funding decisions to be made w/ public input per previous federal settlements (Arthur Kill & S.F. Bay): trustee representatives plus public groups in a joint board make funding decisions for legislative approval.
- B. Subject to Open Meetings Act & Public Records Act.
- C. Subject to GAO & Leg. Budget & Audit oversight.
- D. Establish procedures per rule making provisions of Alaska law.

IV. Release of Scientific Data to the Public

- A. Normal Civil Rules of privilege apply.
- B. If State or feds wish to prevent release, they must obtain in camera protective order, by showing (1) entitled to privilege, and (2) disclosure would materially and substantially harm their case.

V. Miscellaneous

- A. Clarify status of archaeological claims.
- B. Protect third party claims:
 - 1. Future fish runs
 - 2. Native Villages (see their proposals to Judge Sporkin)
- B.

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HOUSE CONCURRENT RESOLUTION NO.
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

Introduced:

Referred:

A RESOLUTION

1 Approving the proposed Exxon Valdez oil spill claims settlement.

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

3 WHEREAS the Attorney General has negotiated a proposed settlement of most of the state's
4 claims arising from the Exxon Valdez oil spill; and

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

7 WHEREAS the Attorney General has stated in a public meeting that if the legislature fails to
8 approve the proposed settlement the state will take action to terminate the proposal;

9 BE IT RESOLVED by the Alaska State Legislature that it approves the Agreement and Consent
10 Decree signed March 12, 1991, relating to the settlement of State v. Exxon Corporation, et al., United
11 States District Court, District of Alaska, Civil Action No. A91-083; and be it

12 FURTHER RESOLVED that the Governor is respectfully requested to inform the United States
13 Department of Justice that the legislature has approved the proposed settlement.

7-LS1256A

Cook

4/19/91

HOUSE RESOLUTION NO.**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****Introduced:****Referred:****A RESOLUTION**

- 1 Relating to the rejection of the Proposed Plea Agreement with Exxon Corporation and**
2 Exxon Shipping Company.

3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

4 WHEREAS, as the elected representatives of the people of Alaska, the House of Representatives
5 has a unique responsibility to assess and articulate the public interest in all matters affecting the welfare
6 of the people and natural resources of this state; and

7 WHEREAS the State of Alaska contains more than 50 percent of the coastline of the United
8 States; and

9 WHEREAS the State of Alaska operates a marine highway system, and the people of the state
10 are highly dependent upon the safe and reliable conduct of maritime operations in international and
11 intracoastal traffic; and

12 WHEREAS the National Transportation Safety Board's investigation into the causes of the
13 Exxon Valdez oil spill established that Exxon Shipping Company "did not adequately monitor the master
14 for alcohol abuse," "did not have a sufficient program to identify, remove from service, if necessary, and
15 provide treatment for employees who had chemical dependency problems," "had manipulated shipboard
16 reporting of crew overtime information that was to be submitted to the Coast Guard," and implemented

1 policies that "do not adequately consider the increase in workload caused by reduced manning," and that
2 "could be conducive to fatigue"; and that a "probable cause of the grounding of the Exxon Valdez was
3 ... the failure of Exxon Shipping Company to provide a fit master and a rested and sufficient crew for
4 the Exxon Valdez"; and

5 **WHEREAS** a successful prosecution of Exxon Shipping Company for violation of the Ports and
6 Waterways Safety Act under the facts of this case would be a significant deterrent to the repetition of
7 the unsafe practices outlawed by that Act; and

8 **WHEREAS** the federal government has the authority and responsibility to ensure that safe
9 practices are followed by vessels operating in Alaska waters; and

10 **WHEREAS** Count IV of the indictment in United States v. Exxon Corporation and Exxon
11 Shipping Company, No. A90-015 Cr., before the United States District Court for the District of Alaska
12 charges Exxon Shipping Company with willfully and knowingly failing to ensure that the wheelhouse
13 of the Exxon Valdez was constantly manned by persons competent to direct and control the movement
14 of the vessel, in violation of 33 U.S.C. 1232(b)(1) and 33 CFR 164.11(b); and

15 **WHEREAS** Count IV charges a felony, punishable by up to five years' imprisonment and a
16 \$50,000 fine, which confirms the serious threat to human life, property, and the environment posed by
17 a failure to operate a vessel safely; and

18 **WHEREAS** the United States' Memorandum in Aid of Sentencing stresses the supervisory
19 misconduct of Exxon Shipping Company and the negligence of its employees to establish a basis for the
20 Plea Agreement under 18 U.S.C. sec. 3553(a)(1); and

21 **WHEREAS** the Proposed Plea Agreement would result in the dismissal of Count IV; and

22 **WHEREAS** the dismissal of Count IV against Exxon Shipping Company will not deter major
23 shippers from engaging in unsafe vessel manning practices; and

24 **WHEREAS** information has recently been made public that indicates a level of culpability on
25 the part of the Exxon Corporation and the Alyeska Pipeline Service Company (Alyeska) that could go
26 well beyond criminal negligence; and

27 **WHEREAS** Alyeska has not been indicted and is not a party to the criminal case, and there is,
28 according to comments previously submitted to the court for its consideration, no precedent for the
29 release of a third party from criminal liability as a part of a plea agreement;

30 **BE IT RESOLVED** that the Alaska House of Representatives respectfully requests the Honorable
31 Russel Holland to reject the Proposed Plea Agreement in this case because it is not in the public interest
32 unless:

- 1 [(1)] Count IV of the indictment is retained as to Exxon Shipping Company; and
2 (2) the provisions exculpating Alyeska Pipeline Service Company are omitted.
3]

4 **COPIES** of this resolution shall be sent to Joseph G. Block, Chief, Environmental Crimes
5 Section, Environment and Natural Resources Division, United States Department of Justice; Charles A.
6 De Monaco, Assistant Chief, Environmental Crimes Section, Environment and Natural Resources
7 Division, United States Department of Justice; Eric W. Nagle, Trial Attorney, United States Department
8 of Justice; Mark R. Davis, Special Assistant United States Attorney; Mark B. Harmon, Trial Attorney,
9 United States Department of Justice; James F. Neal, Counsel for Exxon Shipping; E. Edward Bruce,
10 Counsel for Exxon Shipping; Robert C. Bundy, Counsel for Exxon Shipping; Edward J. Lynch, Counsel
11 for Exxon Corporation; John F. Clough III, Counsel for Exxon Corporation; ^{and to} the Honorable H.
12 Russel Holland, Chief Judge, United States District Court for the District of Alaska.

[add At last Relegam?]

HOUSE CONCURRENT RESOLUTION NO.**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****Introduced:****Referred:****A RESOLUTION****1 Relating to the Exxon Valdez oil spill settlement.****2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 WHEREAS the Attorney General has negotiated a proposed settlement of most of the state's
4 claims arising from the Exxon Valdez oil spill; and

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

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

10 BE IT RESOLVED by the Alaska State Legislature that the proposed settlement is disapproved
11 as written; and be it

12 FURTHER RESOLVED that the parties to the proposed settlement are requested to amend the
13 proposed settlement in the following respects:

14 (1) to provide for the payment of at least \$100,000,000 within 90 days of the date the
15 settlement is approved and, in addition, at least \$600,000,000 within one year of the date the settlement
16 is approved;

17 (2) to provide for a plea agreement establishing a criminal fine of at least \$500,000,000,

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

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

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

9 (5) to provide that the state's share of the funds recovered in the civil settlement shall
10 be subject to appropriation into the trust fund, and expenditures from the trust fund of the state's share
11 shall be subject to appropriation by the Alaska State Legislature;

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

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

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

22 (9) to clarify the status of third-party claims and claims for damages to archaeological
23 resources;

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

26 (11) to delete the "reopener" clause.

27 **COPIES** of this resolution shall be sent to the Honorable H. Russel Holland, Chief Judge, United
28 States District Court for the District of Alaska; Jack G. Clarke, Senior Vice-President, Exxon
29 Corporation; Richard Stewart, Assistant Attorney General, Environmental and Natural Resources
30 Division, United States Department of Justice; and to the Honorable Walter J. Hickel, Governor of the
31 State of Alaska.

SENATE CONCURRENT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

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

Introduced:

Referred:

A RESOLUTION

1 Approving the proposed Exxon Valdez oil spill claims settlement.

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

3 WHEREAS the Attorney General has negotiated a proposed settlement of most of the state's
4 claims arising from the Exxon Valdez oil spill; and

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

7 WHEREAS the legislature's failure to approve the proposed settlement or disapproval of it will
8 not automatically terminate the proposal, but is, essentially, advisory to the executive branch of state
9 government and to the United States Department of Justice; and

10 WHEREAS the provisions of the proposed settlement do not appear to be negotiable; and

11 WHEREAS settlement of this major case is more desirable than years of litigation; and

12 WHEREAS if the case is settled, money that would otherwise be tied up in protracted litigation
13 will be immediately available to begin restoration of areas damaged by the oil spill; and

14 WHEREAS because of these considerations the legislature believes it is in the best interest of
15 the state to approve the proposed settlement despite the fact that members of the legislature do not
16 wholeheartedly support all of the provisions of the proposal;

WORK DRAFT

WORK DRAFT

WORK DRAFT

- 1 **BE IT RESOLVED** by the Alaska State Legislature that it approves the Agreement and Consent
- 2 Decree signed March 12, 1991, relating to the settlement of State v. Exxon Corporation, et al., United
- 3 States District Court, District of Alaska, Civil Action No. A91-083; and be it
- 4 **FURTHER RESOLVED** that the Governor is respectfully requested to inform the United States
- 5 Department of Justice that the legislature has approved the proposed settlement.

7-LS1211ND

Cook

4/15/91

SENATE CONCURRENT RESOLUTION NO.**IN THE LEGISLATURE OF THE STATE OF ALASKA****SEVENTEENTH LEGISLATURE - FIRST SESSION****BY THE SENATE SPECIAL COMMITTEE ON THE EXXON VALDEZ OIL SPILL CLAIMS SETTLEMENT****Introduced:****Referred:****A RESOLUTION****1 Approving the proposed Exxon Valdez oil spill claims settlement.****2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 WHEREAS the Attorney General has negotiated a proposed settlement of most of the state's
4 claims arising from the Exxon Valdez oil spill; and

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

7 WHEREAS the Attorney General has stated in a public meeting that if the legislature fails to
8 approve the proposed settlement the state will take action to terminate the proposal;

9 BE IT RESOLVED by the Alaska State Legislature that it approves the Agreement and Consent
10 Decree signed March 12, 1991, relating to the settlement of State v. Exxon Corporation, et al., United
11 States District Court, District of Alaska, Civil Action No. A91-083; and be it

12 FURTHER RESOLVED that the Governor is respectfully requested to inform the United States
13 Department of Justice that the legislature has approved the proposed settlement.

7-LS1136A

Cook

3/29/91

SENATE BILL NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Introduced:

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act making special appropriations to a joint trust fund of proceeds from the
2 settlement of certain claims arising from the Exxon Valdez oil spill; and providing for an
3 effective date."

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

5 * Section 1. State interests in money paid by defendants during fiscal years 1991 and 1992 under the
6 Agreement and Consent Decree that settles State v. Exxon Corporation, et al., United States District
7 Court, District of Alaska, Civil Action No. A91-083 that is to be deposited into a joint trust fund under
8 the Memorandum of Agreement and Consent Decree filed in United States v. State, United States
9 District Court, District of Alaska, Civil Action No. A91-081, is appropriated to the joint trust fund
10 established under the Memorandum of Agreement and Consent Decree to be used in accordance with
11 the Memorandum of Agreement and Consent Decree.

12 * Sec. 2. State interests in money paid by defendants after fiscal year 1992 under the Agreement and
13 Consent Decree that settles State v. Exxon Corporation, et al., United States District Court, District of
14 Alaska, Civil Action No. A91-083 that is to be deposited into a joint trust fund under the Memorandum

1 of Agreement and Consent Decree filed in United States v. State. United States District Court, District
2 of Alaska, Civil Action No. A91-081, is appropriated to the joint trust fund established under the
3 Memorandum of Agreement and Consent Decree to be used in accordance with the Memorandum of
4 Agreement and Consent Decree.

5 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

SENATE BILL NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Introduced:

Referred:

A BILL
FOR AN ACT ENTITLED

1 "An Act granting authority to the attorney general to dispose of certain claims arising
2 from the Exxon Valdez oil spill, approving an agreement and consent decree involving
3 claims arising from the oil spill; and providing for an effective date."

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

5 * Section 1. The attorney general is authorized to enter into an agreement and consent decree to settle
6 State v. Exxon Corporation, et al., United States District Court, District of Alaska, Civil Action No. A91-
7 083. Under the settlement the attorney general is authorized to

8 (1) establish a joint trust fund with the federal government for the collection and joint
9 use by the state and federal governments of money received under the settlement agreement;

10 (2) dismiss or otherwise terminate State v. Exxon Corporation, et al., Superior Court for
11 the State of Alaska, Third Judicial District, Civil No. 3AN-89-6852 and other Civil claims of the state
12 arising from the Exxon Valdez oil spill.

13 * Sec. 2. The legislature approves the Agreement and Consent Decree signed March 12, 1991,
14 relating to the settlement of State v. Exxon Corporation, et al., United States District Court, District of

WORK DRAFT

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WORK DRAFT

1 Alaska, Civil Action No. A91-083.

2 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

*Order of Business for
Committee this
afternoon.*

HOUSE RESOLUTION NO. 4

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Introduced: 3/18/91

Referred: Today's Calendar

A RESOLUTION

1 Establishing a House Special Committee on the Exxon Valdez Oil Spill Claims Settlement.

2 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

3 WHEREAS justice requires that Alaska be adequately compensated for the damage done to it
4 as a result of the oil spilled from the T/V Exxon Valdez in March of 1989; and

5 WHEREAS the Agreement and Consent Decree in United States v. Exxon, et al., and State of
6 Alaska v. Exxon, et al., signed by the parties on March 12, 1991, allows the United States or the State
7 of Alaska to withdraw its consent to the Agreement if the Alaska State Legislature fails to approve the
8 Agreement within 45 days from the date that notice of the Agreement is published in the Federal
9 Register;

10 BE IT RESOLVED by the House of Representatives that a House Special Committee on the
11 Exxon Valdez Oil Spill Claims Settlement is established to study the proposed Agreement and related
12 documents; and be it

13 FURTHER RESOLVED that the Speaker of the House of Representatives shall determine the
14 number of representatives to be members of the committee, shall appoint the members, and shall
15 designate a member to chair the committee; and be it

16 FURTHER RESOLVED that the House Special Committee on the Exxon Valdez Oil Spill
17 Claims Settlement shall hold, in addition to its own meetings, joint meetings with a like Senate

1 committee for the purpose of receiving public testimony on the proposed Agreement; and be it

2 **FURTHER RESOLVED** that the House Special Committee on the Exxon Valdez Oil Spill

3 ③ Claims Settlement shall report to the House of Representatives by the 35th day after the Agreement is

4 published in the Federal Register the committee's recommendation that the House approve or disapprove

5 the proposed Agreement, and that the committee is terminated on the 46th day after the Agreement is

6 published in the Federal Register.

HOUSE RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE GRUENBERG

Introduced:

Referred:

A RESOLUTION

1 Extending the reporting deadline for the House Special Committee on the Exxon Valdez

2 Oil Spill Claims Settlement.

3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:

4 WHEREAS the House Special Committee on the Exxon Valdez Oil Spill Claims Settlement was
5 established by House Resolve No. 4 this session; and6 WHEREAS the proposed settlement of state claims arising from the Exxon Valdez oil spill is
7 complicated and raises substantial legal and policy questions; and8 WHEREAS the special committee has worked diligently on the issue and has held numerous
9 meetings to provide the public an opportunity to comment on the proposed settlement; and10 WHEREAS despite great efforts, the special committee is not yet ready to report its
11 recommendation that the House of Representatives approve or disapprove the proposal;12 BE IT RESOLVED by the House of Representatives that the House Special Committee on the
13 Exxon Valdez Oil Spill Claims Settlement may continue to study the proposed settlement and shall
14 report to the House of Representatives by April 26, 1991, the committee's recommendation regarding
15 the proposed settlement.