

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1920 SCOMM 76: HOUSE SPEC. COMM. EXXON VALDEZ OIL SPILL. 1991-92

137

1 indicating that we would accept and consider public
 2 comment on this sentencing in lieu of a probation service
 3 report. As, I think have been reported, those comments
 4 ran rather heavily against the settlement agreement for
 5 a whole variety of reasons.

6 Finally, I have received a number of
 7 communications from the legislature of the state of
 8 Alaska, and in particular, a special house committee,
 9 which is considering the civil settlement, which has also
 10 been negotiated between these same parties. That
 11 committee had requested, at the time we took the changes
 12 of plea, that we postpone decision on this matter as far
 13 as sentencing until after the committee had had an
 14 opportunity to complete its work. Subsequently, the
 15 committee chair, I believe, indicated to me that he
 16 expected that the committee would have completed its work
 17 by today -- or, yesterday, at any rate, and would have
 18 some input to me by yesterday, which I indicated was
 19 quite acceptable.

20 Unfortunately, I heard again from the committee
 21 yesterday, as was reported this morning, indicating that
 22 the committee had not yet reached a decision, and, again,
 23 asking that I delay this proceeding.

24 With respect to that request, and while I have
 25 given it serious consideration, the fact is, I have

1 reached a decision on the acceptability of the plea
2 agreement, and I am not, at this time, persuaded that
3 there is any reason why I should delay or defer
4 announcing that decision.

5 With respect to the plea agreement: I am
6 satisfied that the parties worked very hard; that they
7 worked in complete good faith; and that they came up with
8 an agreement which they believed to be good and
9 acceptable, and one that they could justify to the court.

10 In evaluating that agreement, I had indicated
11 early on to counsel that while there were no applicable
12 federal sentencing commission guidelines for use in
13 sentencing corporations, that I would look to the general
14 sentencing factors set out in federal law with respect to
15 sentencing in general, and organizations in particular,
16 in evaluating the plea agreement which had been entered
17 into here.

18 I am satisfied that the pleas which were offered
19 and reflected in the agreement, adequately reflect the
20 seriousness of the underlying conduct. That is not a
21 problem with the agreement.

22 In that regard, and if you will excuse just a
23 little bit of editorializing on my part, I have some
24 difficulty with the concept that we criminalize
25 unintentional environmental accidents. In effect,

1 criminalizing the killing of birds and sea otter, and so
2 forth. Yet, we do not criminalize airline crashes, which
3 result from negligence, and which kill people.

4 Congress, in the sentencing guidelines has told
5 us -- the courts -- that we must do better in avoiding
6 disparity in sentencing. I suggest that Congress has
7 some work of its own to do in getting the disparity out
8 of the criminal laws. For, as I see it, we are affording
9 greater protection to birds and sea otter that aren't
10 even good for food, than we are people. I think that's
11 some pretty serious disparity. However, my job is to
12 enforce the law, as it is on the books at the present
13 time, and I mean to do that.

14 The sentencing factors that I alluded to earlier
15 include such things as the nature and circumstances of
16 the offense, history and characteristics of the
17 defendant; the seriousness of the offense; whether the
18 penalties to be imposed adequately deter others from
19 similar conduct. I am to seek to protect the public from
20 further crimes of the defendant. I am to consider
21 restitution with respect to fines and corporate
22 defendants. I am to consider the defendants income and
23 earning capacity and financial resources. In short, I am
24 to consider the size of the defendant organization.

25 I've used those factors in evaluating this plea

1 agreement. I have come to the conclusion that the fines
2 which the agreement proposes to be imposed do not
3 adequately achieve deterrence. I am afraid that the
4 fines send the wrong message, suggesting that spills are
5 a cost of business, which can be absorbed. The fines, I
6 think, are also inadequate if, as the law requires at the
7 present time, defendants who commit environmental crimes
8 are to be punished. The fine proposed to me does not
9 appear to me to adequately punish the defendants for the
10 conduct to which guilty pleas were offered.

11 There has been a great deal said in the comments
12 which I received about the unavailability of scientific
13 data. In that regard, it is, of course, quite probable
14 that there is more scientific data available to some of
15 us than there is to the general public. But having said
16 that, I would further observe that the availability of
17 scientific data does not, I think, at this time, stand in
18 the way of making the decision which needs to be made
19 here. Much information is available. There is no
20 question but what the Exxon Valdez oil spill was off the
21 chart as far as other environmental disasters that we
22 have had in this country. It was very large, to say the
23 least.

24 The damage, although we cannot presently
25 quantify it with specificity, was very great.

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1 Sufficiently so that I feel very comfortable saying that
2 the fines which were proposed to me were simply not
3 adequate.

4 One final matter which has been the subject of
5 some controversy, and which, in my view, should simply
6 not be a factor in connection with this case, has to do
7 with the role of Alyeska in these proceedings. And it is
8 my perception that Alyeska has no role whatsoever in
9 these proceedings.

10 A certain congressman has written me on the
11 subject. It's interesting to note that his communication
12 to me appeared in the press a day and a half before I
13 read about it in the newspaper. And it appears to me
14 that he was more interested in getting some publicity
15 than he was in informing me. Be that as it may, I do
16 not have any role in the decision of whether Alyeska
17 should or should not be prosecuted for anything. That's
18 an executive decision. It's a Justice Department
19 decision. I take no position on it. I have no role on
20 it. I take no responsibility for the decision that is to
21 be made. And I do not think that is an appropriate
22 provision for a plea agreement in connection with this
23 case.

24 As is obvious from my comments, the plea
25 agreement is rejected.

1 Mr. Neal, Mr. Lynch, at this point the
2 defendants are entitled to withdraw their pleas of guilty
3 pursuant to the plea agreement, if they wish to. Are you
4 gentlemen ready to make that decision now or do you
5 require some time to consider the matter?

6 MR. NEAL: May it please the court. James Neal,
7 representing Exxon Shipping. This is a matter we need
8 some time to consider, and we would ask for some time to
9 reflect on what the court said, and consider our course
10 with the court plea.

11 THE COURT: Thirty days?

12 MR. NEAL: Thirty days will be adequate, Your
13 Honor. Thank you.

14 THE COURT: If a decision is made earlier than
15 that, I would appreciate your letting me know about it.
16 We'll look for an answer no later than Friday the 24th of
17 May. As I say, I have some interest in moving this
18 matter along as quickly as it can and should be, but I
19 realize that this is a decision that is going to take
20 some thinking on your part.

21 Thirty days -- May 24. If you have a decision
22 earlier, I will appreciate it.

23 Will that be sufficient for Exxon Corporation,
24 also?

25 MR. LYNCH: Yes, Your Honor.

1 THE COURT: All right. Same will apply to Exxon
2 Corporation. I will expect a decision as soon as
3 possible and no later than the 24th of May.

4 Upon receiving your decision, I'll do one of two
5 things. We will schedule a status conference of some
6 sort at that point, to do whatever needs to be done in
7 the light of the decision that you make. And we will
8 communicate with you a time and place for that meeting.

9 Anything further we need to do, gentlemen?

10 (No response.)

11 Thank you very much. We'll be in recess subject
12 to call.

13 THE CLERK: This court now stands in recess
14 subject to call.

15 (1224)

16 (Off record - 8:50 a.m.)

17 ***END***

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U.S.A. vs. EXXON CORPORATION
SENTENCING HEARING - (4/24/91)

10

CERTIFICATE

SUPERIOR COURT)
) SS.
STATE OF ALASKA)

I, Georgi Ann Haynes, Certified Professional Court Reporter for the Third Judicial District, State of Alaska, hereby certify:

That the foregoing pages contain a full, true and correct transcript.

That this transcript was prepared to the best of my knowledge and ability from United States District Court tapes.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 24th day of April, 1991.

Notary Public in and for Alaska
My commission expires: 1/24/95

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U.S.A. vs. EXXON CORPORATION
SENTENCING HEARING - (4/24/91)

11

SCOMM

76:5

HOUSE SPECIAL COMMITTEE ON EXXON
VALDEZ OIL SPILL CLAIMS SETTLEMENT

ALL AGENDAS

March 19 - May 1, 1991



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEETING OF THE HOUSE SPECIAL COMMITTEE ON THE EXXON VALDEZ SETTLEMENT CLAIM

March 19, 1991
8:00-9:30 a.m.

AGENDA

- I. Committee Organization
 - A. Staffing
 - B. Meeting schedule
- II. Committee review timeline
- III. Overview of Settlement:
 - Tamara Cook, Director
Division of Legal Services
 - Pamela Findley, Assistant Revisor of Statutes
Division of Legal Services
- A. Consent Decree
- B. Memorandum of Agreement
- C. Criminal Charges



Official Business

Alaska State Legislature

HOUSE OF REPRESENTATIVES

P.O. Box V
State Capitol
Juneau, Alaska 99811

MEETING OF THE HOUSE SPECIAL COMMITTEE ON THE EXXON VALDEZ SETTLEMENT CLAIM

March 20, 1991
8:00-10:00 a.m.

AGENDA

- I. Continuation of questions of overview
- II. Sectional Analysis of Consent Decree and
Memorandum of Agreement

Tamara Cook, Director
Division of Legal Services

Pamela Findley, Assistant Revisor of Statutes
Division of Legal Services

Alaska State Legislature

House of Representatives



Official Business

House Majority Leader

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Anchorage, Alaska 99503
(907) 561-7621

MEETING OF THE HOUSE SPECIAL COMMITTEE ON THE EXXON VALDEZ CLAIM SETTLEMENT

March 21, 1991
5:00-6:00 p.m.

AGENDA

- I. Committee Announcements
- II. Discussion of HCR 19 and plea agreement
- III. Continuation of sectional analysis of Consent Decree
Pamela Findley, Assistant Revisor of Statutes
Division of Legal Services

Alaska State Legislature

House of Representatives



Official Business

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House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

HOUSE SPECIAL COMMITTEE MEETING
March 25, 1991
9:30 -11:00 a.m.

AGENDA

- I. Committee Announcements
- II. Sectional Analysis of the Memorandum of Agreement
Pamela Finley, Assistant Revisor of Statutes
Division of Legal Services

Alaska State Legislature

House of Representatives



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Official Business

House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

HOUSE SPECIAL COMMITTEE MEETING

²⁷
March ~~26~~, 1991

~~12:15 - 2:00 p.m.~~ 8:00

House Resources Committee Room

AGENDA

- I. Committee Announcements
- II. Continuation of Sectional Analysis of the Memorandum of Agreement
Pamela Finley, Assistant Revisor of Statutes
Division of Legal Services
- III. Sectional Analysis of Plea Agreement
Pamela Finley, Assistant Revisor of Statutes
Division of Legal Services
- IV. Committee Timeline
- V. Discussion of Issues

Alaska State Legislature

House of Representatives



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Official Business

House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

April 3, 1991
12:00 - 2:00 p.m.
House Transportation Committee Room

AGENDA

- I. Committee Announcements
- II. Testimony of Attorney General Charles Cole

Handouts

Tentative Committee Meeting Schedule

Alaska State Legislature

House of Representatives



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Official Business

House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

April 5, 1991
12:00 - 2:00 p.m.
House Resources Committee Room
Room 124 Capitol Building

AGENDA

- I. Committee Announcements
- II. Testimony of Attorney General Charles Cole

Alaska State Legislature

House of Representatives

Official Business



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House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

4/8 MEETING WAS CANCELLED

April 8, 1991
12:00 - 2:00 p.m.
House Transportation Committee Room
Room 17 Capitol Building

AGENDA

- I. Committee Announcements
- II. Testimony of Attorney General Charles Cole

Alaska State Legislature

House of Representatives



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Official Business

House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

April 9, 1991
8:00 AM - 10:00 AM
House Resources Committee Room
Room 124 Capitol Building

AGENDA

- I. Committee Announcements
- II. Testimony of State Agency Personnel (Departments of Natural Resources, Environmental Conservation, and Fish and Game)

Handouts

April 8 memorandum from Pamela Finley, Assistant Revisor of Statutes re Constitutional issues raised by Exxon Valdez settlement

Alaska State Legislature

House of Representatives



Official Business

P.O. Box V
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Juneau, Alaska 99811
(907) 465-3718

House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

April 10, 1991
12:00 PM - 2:00 PM
House Transportation Committee Room
Room 17 Capitol Building

AGENDA

- I. Committee Announcements
- II. Testimony of State Agency Personnel (Departments of Natural Resources, Environmental Conservation, and Fish and Game)

Handouts

Government's Summary of Damage to Natural Resources
Newspaper Article
Legislative Legal Services memorandum re scientific studies
Opening Statement of Congressman Studds on Settlement

Alaska State Legislature

House of Representatives



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Juneau, Alaska 99811
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Official Business

House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

April 12, 1991
12:00 PM - 2:00 PM
House Transportation Committee Room
Room 17 Capitol Building

AGENDA

- I. Committee Announcements
- II. Testimony of Attorney General Charles Cole on
Exxon Settlement Agreement

Alaska State Legislature

House of Representatives



Official Business

P.O. Box V
State Capitol, Rm. 216
Juneau, Alaska 99811
(907) 465-3718

House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

April 15, 1991
3:00 PM - 6:30 PM
House Transportation Committee Room
Room 17 Capitol Building

AGENDA

- I. Committee Announcements
- II. Statewide Teleconference - Public Participation

Alaska State Legislature

House of Representatives

Official Business



P.O. Box V
State Capitol, Rm. 216
Juneau, Alaska 99811
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House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

April 16, 1991
8:00 AM - 10:00 AM
House Resources Committee Room
Room 124 Capitol Building

AGENDA

- I. Committee Announcements
- II. Testimony of Attorney General Charles Cole
and Attorney Matt Jamin (Kodiak)

Alaska State Legislature

House of Representatives



Official Business

P.O. Box V
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House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

April 17, 1991
1:30 PM - 3:00 PM
House Transportation Committee Room
Room 17 Capitol Building

AGENDA

- I. Committee Announcements
- II. Testimony of Attorney General Charles Cole

Alaska State Legislature

House of Representatives

Official Business



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House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

April 18, 1991
3:30 PM - 5:00 PM
House Finance Committee Room
Room 519 Capitol Building

AGENDA

- I. Committee Announcements
- II. Testimony of Douglas Bailey, former Attorney General of the State of Alaska

Alaska State Legislature

House of Representatives

Enclosures

Official Business



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House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

April 19, 1991
Noon - 2:00 PM
House Transportation Committee Room
Room 17 Capitol Building

AGENDA

- I. Committee Announcements
- II. Committee Work Session

Alaska State Legislature

House of Representatives



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Official Business

House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

April 22, 1991
8:00 AM - 8:30 AM
House Transportation Committee Room
Room 17 Capitol Building

AGENDA

- I. Committee Announcements
- II. Committee Work Session

Note: Continuation of work session is at 3:30 PM in the House Transportation Committee Room (17)

Alaska State Legislature

House of Representatives



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Official Business

House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

April 23, 1991
8:00 AM - 8:30 AM
House Resources Committee Room
Room 124 Capitol Building

AGENDA

- I. Committee Announcements
- II. Committee Work Session

Alaska State Legislature

House of Representatives



Official Business

P.O. Box V
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House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

WEDNESDAY

April 24, 1991

3:30 PM - 5:00 PM

House Transportation Committee Room
Room 17 Capitol Building

AGENDA

- I. Committee Announcements
(Listen Only Teleconference)
- II. Committee Work Session

Alaska State Legislature

House of Representatives

Official Business



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House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

THURSDAY
April 25, 1991
8:00 AM - 10:00 AM
House Resources Committee Room
Room 124 Capitol Building

AGENDA

- I. Committee Announcements
- II. Committee Work Session

Alaska State Legislature

House of Representatives



Official Business

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House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

THURSDAY
April 25, 1991
3:30 PM - 5:00 PM
House Transportation Committee Room
Room 17 Capitol Building

AGENDA

- I. Committee Announcements
(Listen only teleconference)
- II. Committee Work Session

Alaska State Legislature

House of Representatives



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Official Business

4/26 MEETING CANCELLED

House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

FRIDAY

April 26, 1991

Noon - 2:00 PM

House Transportation Committee Room
Room 17 Capitol Building

AGENDA

- I. Committee Announcements
(Listen only teleconference)
- II. Committee Work Session

Note: This meeting was cancelled

Alaska State Legislature

House of Representatives



Official Business

4/29/91 MEETING CANCELLED

P.O. Box V
State Capitol, Rm. 216
Juneau, Alaska 99811
(907) 465-3718

House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

MONDAY

April 29, 1991

Noon - 2:00 PM

House Transportation Committee Room
Room 17 Capitol Building

AGENDA

- I. Committee Announcements
(Listen only teleconference)

- II. Committee Work Session

Alaska State Legislature

House of Representatives



Official Business

P.O. Box V
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Juneau, Alaska 99811
(907) 465-3718

House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

TUESDAY

April 30, 1991

8:00 AM - 10:00 AM

House Resources Committee Room
Room 124 Capitol Building

AGENDA

- I. Committee Announcements
(Listen only teleconference)
- II. Committee Work Session

Handouts

4/26/91 Letter from Rep. Johnny Ellis
4/29/91 Draft of proposed committee recommendations

Alaska State Legislature

House of Representatives

Official Business



P.O. Box V
State Capitol, Rm. 216
Juneau, Alaska 99811
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House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

WEDNESDAY
MAY 1, 1991
Noon - 2:00 PM
House Transportation Committee Room
Room 17 Capitol Building

AGENDA

- I. Committee Announcements
- II. Committee Work Session

SCOMM

76.6

HOUSE SPECIAL COMMITTEE ON THE EXXON
VALDEZ OIL SPILL CLAIMS SETTLEMENT

FINAL COMMITTEE RECOMMENDATIONS

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

SEVENTEENTH LEGISLATURE — FIRST SESSION

Juneau, Alaska

Thursday

May 2, 1991

One Hundred Second Day

Pursuant to adjournment, the House was called to order by Speaker Grussendorf at 10:14 a.m.

Roll call showed 40 members present.

The invocation was offered by the Chaplain, Larry Rorem, Pastor of Shepherd of the Valley Lutheran Church. Representative Martin moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it appears below:

"God of hospitality and love, we give thanks for the strength represented in this room. For the intellect and abilities that place people in leadership roles. In the midst of the excitement and exhaustion of political realities, is the burden of responsibility for our state and its people. Bless this gathered assembly as it strives to be responsible and responsive.

The very abilities that we thank You for can also make us uncomfortable. With ability, comes additional responsibility for those who are unable to adequately speak for themselves.

May our speaking to well-known and obviously important issues, not deny voice and consideration to other issues and hurts that cry for attention.

We ask Your blessing on these representatives gathered here today. May their intellect and abilities be blended with wisdom, caring and compassion to meet the diverse realities and needs of our state. In Your holy name, Amen."

The Pledge of Allegiance was led by Representative Martin.

CERTIFICATION OF THE JOURNAL

Representative Gruenberg moved and asked unanimous consent that the journal for the 101st legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

MESSAGES FROM THE SENATE

A message dated May 1, 1991, was received stating that the Senate has approved the following citations, and they are being enrolled:

- Honoring - Linda Dulin, President of the Adak Historical Society
- Honoring - Edward L. Burke, SBA Young Entrepreneur of the Year
- Honoring - Autogenesis, Inc.
- Honoring - West Valley High School Academic Decathlon Team
- Honoring - Gil Truitt, Retirement
- Honoring - Frank See, Sr., Honorary Doctorate Award
- Honoring - The Ratification of the Constitution of the State of Alaska, 35th Anniversary
- Honoring - Kwethluk Community School, Winner of the Secretary's Initiative Award
- Honoring - Frederick O. Baggett
- In Memoriam - Barney Myring

HCR 20

A message dated May 1, 1991, was read stating the Senate has passed:

HOUSE CONCURRENT RESOLUTION NO. 20
Designating May 6 - 12, 1991, as "Sudden Infant
Death Syndrome Awareness Week."

HCR 20 was referred to the Chief Clerk for enrollment.

A message dated May 1, 1991, was read stating the Senate has passed the following and it is transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLSCSSB 101(JUD)

CS FOR SENATE BILL NO. 101 (JUDICIARY) by the Judiciary Committee, entitled:

"An Act relating to the jurisdiction of the district court and to the district court's ability to hear actions as small claims."

was read the first time and referred to the Judiciary and Finance Committees.

REPORTS OF STANDING COMMITTEESHB 89

The Transportation Committee has considered:

HOUSE BILL NO. 89

"An Act relating to food and housing for construction workers at remote construction sites on public construction projects; and providing for an effective date."

and recommends it be replaced with the following committee substitute:

CS FOR HOUSE BILL NO. 89 (TRA)

"An Act relating to food and housing for construction workers at remote construction sites on certain state construction projects; and providing for an effective date."

Recommending do pass (1): Foster

No recommendation (2): Grussendorf, Mackie

Amend (1): Leman

The following was published May 2, 1991:

Fiscal note, Department of Transportation and
Public Facilities

The report was signed by Representative Foster, Chairman.

HB 89 was referred to the Labor & Commerce Committee.

HB 102

The Finance Committee has considered:

HOUSE BILL NO. 102

"An Act relating to the offense of operating a motor vehicle, aircraft, or watercraft while intoxicated; and providing for an effective date."

and recommends it be replaced with the following committee substitute:

CS FOR HOUSE BILL NO. 102 (JUDICIARY)
(same title)

Recommending do pass (9): Navarre, MacLean, R. Phillips, Sharp, Koponen, Brown, Boyer, Ulmer, Barnes

No recommendation (2): Larson, Jacko

The following was published May 2, 1991:

Zero fiscal note, by the House Finance Committee for
Department of Health and Social Services

The following previously published notes apply to CS HB 102 (JUD):

Fiscal note, Department of Public Safety (4/5/91)
Zero fiscal note, Department of Corrections (3/22/91)
Zero fiscal note, Department of Law (3/22/91)

The report was signed by Representatives Navarre and MacLean, Co-chairmen.

HB 102 was referred to the Rules Committee for placement on the calendar.

HB 159

The Finance Committee has considered:

HOUSE BILL NO. 159

"An Act extending the Board of Electrical Examiners in the Department of Commerce and Economic Development; and providing for an effective date."

and recommends it be replaced with the following committee substitute:

CS FOR HOUSE BILL NO. 159 (L&C)
(same title)

Recommending do pass (10): Ulmer, Larson, R. Phillips, Sharp, Barnes, Jacko, Koponen, Brown, Boyer, Navarre

No recommendation (1): MacLean

HB 159

The following previously published note applies to CSHB 159 (L&C):

Zero fiscal note, Department of Commerce &
Economic Development (2/25/91)

The report was signed by Representatives Navarre and MacLean, Co-chairmen.

HB 159 was referred to the Rules Committee for placement on the calendar.

HB 196

The Finance Committee has considered:

HOUSE BILL NO. 196

"An Act limiting civil liability for acts or omissions of an oil spill response action contractor and establishing strict liability on responsible parties for certain acts or omissions of a response action contractor; amending the definition of 'response action'; and providing for an effective date."

and recommends it be replaced with the following committee substitute:

CS FOR HOUSE BILL NO. 196 (FINANCE)

"An Act limiting civil liability for acts or omissions of an oil spill response action contractor and establishing strict liability on responsible parties for certain acts or omissions of a response action contractor; amending the definitions of 'response action' and 'response action contractor'; relating to a report by the Citizens Oversight Council on Oil and Other Hazardous Substances; providing for the repeal on July 1, 1992, of changes made by this Act; and providing for an effective date."

Recommending do pass (10): Larson, R. Phillips, Sharp, Boyer, Brown, Koponen, Jacko, Barnes, Navarre, MacLean

No recommendation (1): Ulmer

The following previously published notes apply to CSHB 196(FIN):

Fiscal note, Legislative Affairs Agency (5/1/91)
Zero fiscal note, Department of Environmental
Conservation (3/13/91)

HB 196

The report was signed by Representatives Navarre and MacLean, Co-chairmen.

HB 196 was referred to the Rules Committee for placement on the calendar.

HB 237

The State Affairs Committee has considered:

HOUSE BILL NO. 237

"An Act establishing certain criteria that must be considered when state agency leases involve the construction of new buildings."

and recommends it be replaced with the following committee substitute:

CS FOR HOUSE BILL NO. 237 (STATE AFFAIRS)

"An Act establishing certain criteria that must be considered before a state agency leases space."

Recommending do pass (5): Kubina, Moyer, Choquette, Bruckman, Baker

The following were published May 2, 1991:

Fiscal note, Alaska Court System

Zero fiscal note, Legislative Affairs Agency

The report was signed by Representative Kubina, Chairman.

HB 237 was referred to the Judiciary Committee.

HB 260

The Finance Committee has considered:

HOUSE BILL NO. 260

"An Act relating to revenue bonds issued by the University of Alaska and approving the issuance of revenue bonds for construction of a student recreation center at the University of Alaska Fairbanks; and providing for an effective date."

and recommends it be replaced with the following committee substitute:

CS FOR HOUSE BILL NO. 260 (FINANCE)

"An Act relating to revenue bonds issued by the University of Alaska; and providing for an effective date."

HB 260

Recommending do pass (7): Navarre, Boyer, Brown, Koponen, Sharp, Larson, Ulmer

No recommendation (4): MacLean, Jacko, R. Phillips, Barnes

The following previously published note applies to CSHB 260(FIN):

Zero fiscal note, University of Alaska (4/29/91)

The report was signed by Representatives Navarre and MacLean, Co-chairmen.

HB 260 was referred to the Rules Committee for placement on the calendar.

HB 263

The Community & Regional Affairs Committee has considered:

HOUSE BILL NO. 263

"An Act relating to human services community matching grants; and providing for an effective date."

and recommends it be replaced with the following committee substitute:

CS FOR HOUSE BILL NO. 263 (CRA)
(same title)

Recommending do pass (4): Foster, B. Davis, Baker, Mackie

No recommendation (3): G. Phillips, C. Davis, Gonzales

The following was published May 2, 1991:

Fiscal note, Department of Health & Social Services

The report was signed by Representative Mackie, Chairman.

HB 263 was referred to the Health, Education & Social Services Committee.

HB 271

The State Affairs Committee has considered:

HOUSE BILL NO. 271

"An Act relating to persons who served in the Alaska Territorial Guard."

and recommends it be replaced with the following committee substitute:

HB 271

CS FOR HOUSE BILL NO. 271 (STATE AFFAIRS)
(same title)

Recommending do pass (6): Kubina, Moyer, Choquette,
Bruckman, Baker, Gruenberg

The following was published May 2, 1991:

Fiscal note, Department of Community and
Regional Affairs
Zero fiscal note, Department of Natural Resources
Zero fiscal note, Department of Fish and Game
Zero fiscal note, Department of Public Safety
Zero fiscal note, Department of Military and
Veterans Affairs

The report was signed by Representative Kubina, Chairman.

HB 271 was referred to the Resources Committee.

HB 298

The State Affairs Committee has considered:

HOUSE BILL NO. 298
"An Act establishing a presidential primary
election; and providing for an effective date."

Recommending do pass (2): Kubina, Moyer

No recommendation (3): Bruckman, Baker, Choquette

The following was published May 2, 1991:

Fiscal note, Division of Elections

The report was signed by Representative Kubina, Chairman.

HB 298 was referred to the Judiciary Committee.

CSSSSB 18(FIN)

The Finance Committee has considered:

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 18
(FINANCE)
"An Act establishing the Alaska State Pension
Corporation; relating to management and investment
of state pension funds and other state funds; and
providing for an effective date."

and recommends it be replaced with the following committee
substitute:

CSSSSB 18(FIN)

HOUSE CS FOR CS FOR SPONSOR SUBSTITUTE FOR SENATE
BILL NO. 18 (FINANCE)
(same title)

Recommending do pass (6): MacLean, Boyer, Brown, Koponen,
Ulmer, Navarre

Recommending do not pass (2): Barnes, Sharp

No recommendation (3): Jacko, R. Phillips, Larson

The following was published May 2, 1991:

Two fiscal notes, by the House Finance Committee
for the Department of Revenue

A letter of intent, signed by Representatives MacLean and
Navarre, Co-chairmen, appears below:

House Finance Committee
Letter of Intent
for
HCS CSSSSB 18(FIN)

"Acting within the fiduciary responsibility under the
Prudent Investor Rule, the Alaska State Pension Corporation
Board of Trustees is encouraged to look to and utilize local
institutions and companies with sufficient capital for
transactions in publicly traded securities and for
investment and business opportunities within the State of
Alaska."

The report was signed by Representatives Navarre and
MacLean, Co-chairmen.

CSSSSB 18(FIN) was referred to the Rules Committee for
placement on the calendar.

CSSB 131(FIN) am

The State Affairs Committee has considered:

CS FOR SENATE BILL NO. 131 (FINANCE) am
"An Act relating to the notice requirements for
the adoption, amendment, or repeal of regulations,
for the meetings of public agencies, and for state
elections."

Recommending do pass (5): Kubina, Moyer, Choquette,
Bruckman, Baker

The following previously published notes apply:

Senate fiscal note, Division of Elections (3/29/91)
Senate zero fiscal note, Office of the Governor
(3/29/91)

CSSB 131(FIN) am

The report was signed by Representative Kubina, Chairman.

CSSB 131(FIN) am was referred to the Finance Committee.

REPORTS OF SPECIAL COMMITTEESHCR 29

The House Special Committee on the Exxon Valdez Oil Spill Claims Settlement has considered a work draft, which was subsequently numbered and introduced as follows:

HOUSE CONCURRENT RESOLUTION NO. 29
Disapproving the proposed Exxon Valdez oil spill settlement and suggesting amendments.

Recommending do pass (6): Gruenberg, Davidson, Kubina, Donley, Navarre, Ulmer

Recommending do not pass (1): Earnes

No recommendation (2): Hudson, G.Phillips

The following was published May 2, 1991:

Zero fiscal note, House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

The report was signed by Representative Gruenberg, Chairman.

HCR 30

The House Special Committee on the Exxon Valdez Oil Spill Claims Settlement has considered a work draft, which was subsequently numbered and introduced as follows:

HOUSE CONCURRENT RESOLUTION NO. 30
Approving the proposed Exxon Valdez oil spill claims settlement.

Recommending do pass (2): Barnes, G.Phillips

Recommending do not pass (6): Gruenberg, Kubina, Davidson, Navarre, Ulmer, Donley

No recommendation (1): Hudson

The following was published May 2, 1991:

Zero fiscal note, House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

The report was signed by Representative Gruenberg, Chairman.

INTRODUCTION OF CITATIONS

The following citations were received:

Honoring - Claire Mercer
By Representative Gonzales

Honoring - Service High School Volleyball Team
By Senator Collins

In Memoriam - Chief Andrew Isaac
By Representatives Lincoln, Gonzales
Senator Hoffman

The citations were referred to the Rules Committee for placement on the calendar.

INTRODUCTION, FIRST READING AND REFERENCE

OF HOUSE RESOLUTIONS

HCR 29

HOUSE CONCURRENT RESOLUTION NO. 29 by the House Special Committee on the Exxon Valdez Oil Spill Claims Settlement:

Disapproving the proposed Exxon Valdez oil spill settlement and suggesting amendments.

was read the first time is on today's calendar.

HCR 30

HOUSE CONCURRENT RESOLUTION NO. 30 by the House Special Committee on the Exxon Valdez Oil Spill Claims Settlement:

Approving the proposed Exxon Valdez oil spill claims settlement.

was read the first time and was referred to the Rules Committee for consideration, and was taken up later as a Special Order of Business.

INTRODUCTION, FIRST READING AND REFERENCE
OF HOUSE BILLS

HB 313

HOUSE BILL NO. 313 by Representatives Navarre and C.Davis,
entitled:

"An Act excluding certain recreational activities
sponsored by an employer from coverage provided
under workers' compensation."

was read the first time and referred to the Labor & Commerce
and Judiciary Committees.

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

CSHB 143(FIN)

The following, which had been held in second reading with
Amendment No. 1 pending (page 1057), was again before the
House in second reading:

CS FOR HOUSE BILL NO. 143 (FINANCE)
"An Act relating to general grant land selections;
and providing for an effective date."

Representative G.Phillips moved and asked unanimous consent
that Amendment No. 1 be withdrawn. There being no
objection, it was so ordered.

Revised Amendment No. 1 by G.Phillips:

Page 1, lines 4 - 12:

Delete all material and insert:

(a) The general grant land entitlement of a
municipality [INCORPORATED AFTER JULY 1, 1978,
THAT DOES NOT QUALIFY FOR AN ENTITLEMENT UNDER
AS 29.65.010 OR 29.65.020] is 10 percent of the
maximum total acreage of vacant, unappropriated,
unreserved land within the boundaries of the
municipality between the date of its incorporation
and two years after that date or [. HOWEVER, A
MUNICIPALITY MAY NOT RECEIVE AN ENTITLEMENT UNDER
THIS SUBSECTION THAT EXCEEDS] 20 acres per person

CSHB 143(FIN)

residing in the municipality on the date of its incorporation, whichever is more. For purposes of this section the population of a municipality shall be determined by the department in accordance with AS 29.60.020 and 29.60.150."

Page 3, after line 23:

Insert a new bill section to read:

"* Sec. 9. AS 29.65.010, 29.65.020, and 29.65.080 are repealed."

Renumber the following bill sections accordingly.

Page 3, line 27:

Delete "January 1, 1996"

Insert "January 1, 1998"

Delete "incorporated after June 1, 1986,"

Page 3, line 28:

Delete "section"

Insert "Act"

Page 3, line 29, after "Act."

Insert "If as a result of the recertification the entitlement of a municipality is increased, the municipality may select the amount of land that, when added to land selected under former law or for which a land deficiency payment was received under former AS 29.65.080, equals the increased entitlement. If as a result of the recertification the entitlement is decreased, the entitlement of the municipality as determined under former law remains unchanged."

Page 3, after line 29:

Insert a new bill section to read:

"* Sec. 11. By February 1, 1992, the revisor of statutes shall submit a bill to the Rules Committees of each house making technical corrections to adjust references to AS 29.65.010, 29.65.020, and 29.65.080, repealed in sec. 9 of this Act."

Page 3, line 30:

Delete all material.

Renumber the following bill section accordingly.

Representative G. Phillips moved and asked unanimous consent that Revised Amendment No. 1 be adopted.

CSHB 143(FIN)

Representative MacLean objected.

Representative G.Phillips placed a call of the House.

The Speaker invoked Section 102 of Mason's Manual.

Representative Taylor moved and asked unanimous consent that CSHB 143(FIN) and pending amendments be returned to the Finance Committee.

Representative MacLean objected.

The call was satisfied.

The question being: "Shall CSHB 143(FIN) and pending amendments be returned to the Finance Committee?" The roll was taken with the following result:

CSHB 143(FIN)
Second Reading
Return to Finance Committee

Yeas:	15	Baker, Barnes, Choquette, Gonzales, Hanley, Larson, Leman, Martin, M.A.Miller, M.W.Miller, G.Phillips, R.Phillips, Sharp, Taylor, Zawacki
Nays:	25	Boyer, Brown, Bruckman, Carney, Davidson, B.Davis, C.Davis, Donley, Ellis, Finkelstein, Foster, Gruenberg, Grussendorf, Hudson, Ivan, Jacko, Koponen, Kubina, Lincoln, Mackie, MacLean, Moyer, Navarre, Parnell, Ulmer
Excused:	0	
Absent:	0	

And so, the motion failed.

CSHB 143 (FIN)

The question being: "Shall Revised Amendment No. 1 be adopted?" The roll was taken with the following result:

CSHB 143 (FIN)
Second Reading
Revised Amendment No. 1

Yeas:	20	Baker, Barnes, Boyer, Carney, Choquette, Gonzales, Hanley, Larson, Leman, Martin, M.A. Miller, M.W. Miller, Moyer, Navarre, G. Phillips, R. Phillips, Sharp, Taylor, Ulmer, Zawacki
Nays:	20	Brown, Bruckman, Davidson, B. Davis, C. Davis, Donley, Ellis, Finkelstein, Foster, Gruenberg, Grussendorf, Hudson, Ivan, Jacko, Koponen, Kubina, Lincoln, Mackie, MacLean, Parnell

Excused: 0

Absent: 0

And so, Revised Amendment No. 1 was not adopted.

Amendment No. 2 by Jacko and MacLean:

Page 3, after line 23:

Insert the following new bill section to read:

"* Sec. 9. AS 29.65.130(10) is amended to read:

(10) "vacant, unappropriated, unreserved land" means general grant land as defined in (3) of this section, excluding minerals as required by sec. 6(i) of the Alaska Statehood Act, that

(A) has not been set aside by statute for one or more particular uses or purposes;

(B) has not been approved for patent to a municipality under this chapter or former AS 29.18.190 and 29.18.200;

(C) is unclassified or, if classified under AS 38.05.300, is classified for agricultural, grazing, material, public recreation, wildlife habitat other than critical wildlife habitat, or settlement purposes, or is classified in accordance with an agreement between a municipality and the state providing for state management of land of the municipality; or

(D) was classified no earlier than September 1, 1983, as resource management and is still classified as resource management under AS 38.05.300."

CSHB 143 (FIN)

Page 3, line 29, after "Act":

Insert "and AS 29.65.130(10) as amended in sec. 9 of this Act"

Page 3, line 30:

Delete "Section 1 of this Act is"

Insert "Sections 1 and 9 of this Act are"

Representative Jacko moved and asked unanimous consent that Amendment No. 2 be adopted.

Representative Finkelstein objected.

The question being: "Shall Amendment No. 2 be adopted?" The roll was taken with the following result:

CSHB 143 (FIN)
Second Reading
Amendment No. 2

Yeas:	17	Baker, Barnes, Carney, Davidson, Foster, Grussendorf, Hudson, Ivan, Jacko, Kubina, Larson, Leman, Lincoln, Mackie, MacLean, Parnell, Taylor
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Nays:	23	Boyer, Brown, Bruckman, Choquette, B.Davis, C.Davis, Donley, Ellis, Finkelstein, Gonzales, Gruenberg, Hanley, Koponen, Martin, M.A.Miller, M.W.Miller, Moyer, Navarre, G.Phillips, R.Phillips, Sharp, Ulmer, Zawacki
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Excused: 0

Absent: 0

And so, Amendment No. 2 was not adopted.

Representative Taylor moved and asked unanimous consent that the House rescind action in failing to adopt Amendment No. 1.

The Speaker ruled the motion out of order.

CSHB 143(FIN)

Representative Gruenberg moved and asked unanimous consent that CSHB 143(FIN) be considered engrossed and advanced to third reading.

Representative Taylor objected.

The question being: "Shall CSHB 143(FIN) be advanced to third reading on the same day?" The roll was taken with the following result:

CSHB 143(FIN)
Advance to Third Reading

Yeas: 28 Boyer, Brown, Bruckman, Carney,
Choquette, Davidson, B.Davis,
C.Davis, Donley, Ellis,
Finkelstein, Foster, Gonzales,
Gruenberg, Grussendorf, Hudson,
Ivan, Jacko, Koponen, Kubina,
Larson, Lincoln, Mackie, MacLean,
Moyer, Navarre, Parnell, Ulmer

Nays: 12 Baker, Barnes, Hanley, Leman,
Martin, M.A.Miller, M.W.Miller,
G.Phillips, R.Phillips, Sharp,
Taylor, Zawacki

Excused: 0

Absent: 0

And so, lacking the necessary 30 votes, CSHB 143(FIN) failed to advance, and will be in third reading on tomorrow's calendar.

SPECIAL ORDER OF BUSINESSHCR 30

Representative Gruenberg moved and asked unanimous consent that the following be taken up as a Special Order of Business at this time:

HCR 30

HOUSE CONCURRENT RESOLUTION NO. 30
Approving the proposed Exxon Valdez oil spill
claims settlement.

with the:

EVC RPT	2DP 6DNP 1NR	p. 1076
-ZERO FISCAL NOTE (H.EVC)	5/2/91	p. 1076

Representative Taylor objected and withdrew the objection.

HCR 30 was read the second time.

Representative Taylor placed a call of the House.

Representative Taylor moved and asked unanimous consent that the House meet as a Committee of the Whole to receive a report on the confidential information related to the Exxon Valdez oil spill settlement.

The Speaker ruled the motion dilatory and out of order, citing Section 180 of Mason's Manual.

The Speaker invoked Section 102 of Mason's Manual.

Amendment No. 1 by Barnes:

Page 1, following, line 13, insert:

"I. Payment Terms

HCR 30

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
\$62 million to feds as reimbursement
Cleanup, etc. deducted as in the present agreement; balance to Trust Fund
2. The criminal payments will be:

\$100 million fine to feds
\$100 million restitution to State
\$300 million restitution to Trust Fund
3. Delete reopener clause
4. Exxon agrees not to take a State tax deduction

D. Language to be included in Consent Decree requiring the parties to enter good faith negotiations regarding settlement of third party claims and seek to establish procedures for dispute resolution.

Representative Barnes moved and asked unanimous consent that Amendment No. 1 be adopted.

Representative Gruenberg objected.

HCR 30

Representative Barnes moved and asked unanimous consent to withdraw Amendment No. 1. There being no objection, it was so ordered.

Representative Leman moved and asked unanimous consent that he be allowed to abstain from voting due to a conflict of interest. Objection was heard, and Representative Leman was required to vote.

Representative Navarre declared a conflict of interest.

The question being: "Shall HCR 30 pass the House?" The roll was taken with the following result:

HCR 30
Second Reading
Final Passage

Yeas:	14	Baker, Barnes, Gonzales, Hanley, Hudson, Leman, Martin, M.A.Miller, M.W.Miller, G.Phillips, R.Phillips, Sharp, Taylor, Zawacki
Nays:	26	Boyer, Brown, Bruckman, Carney, Choquette, Davidson, R.Davis, C.Davis, Donley, Ellis, Finkelstein, Foster, Gruenberg, Grussendorf, Ivan, Jacko, Koponen, Kubina, Larson, Lincoln, Mackie, MacLean, Moyer, Navarre, Parnell, Ulmer

Excused: 0

Absent: 0

Larson changed from "Yea" to "Nay".

And so, HCR 30 failed to pass the House.

HCR 30

Representative Taylor gave notice of reconsideration of his vote on HCR 30.

SECOND READING OF HOUSE RESOLUTIONS

HCR 29

The following was read the second time:

HOUSE CONCURRENT RESOLUTION NO. 29
Disapproving the proposed Exxon Valdez oil spill
settlement and suggesting amendments.

with the:

EVC RPT	6DP 1DNP 2NR	p. 1076
-ZERO FISCAL NOTE	(H.EVC) 5/2/91	p. 1076

Amendment No. 1 was not offered.

Amendment No. 2 by Brown and Gruenberg:

Page 2, line 19, following "clarify":

Delete "the status of"
Insert "that"

Page 2, line 20, following "resources":

Insert "are not diminished or extinguished"

Representative Brown moved and asked unanimous consent that Amendment No. 2 be adopted.

Objections were heard and withdrawn. There being no further objection, Amendment No. 2 was adopted.

HCR 29 am

Amendment No. 3 by Barnes, Ulmer and Gruenberg:

Page 2, line 9, following "fund":

Delete ", "

Following "and"

Insert ", if constitutionally required,"

Representative Barnes moved and asked unanimous consent that Amendment No. 3 be adopted.

Objection was heard and withdrawn. There being no further objection, Amendment No. 3 was adopted.

Amendment No. 4 by Hudson:

Page 1, line 10, following "is", through line 13:

Delete all material

Insert "approved subject to the following amendments:"

Representative Hudson moved and asked unanimous consent that Amendment No. 4 be adopted.

Representative Gruenberg objected.

Representative Gruenberg placed a call of the House on the resolution and all amendments.

The call was satisfied.

The question being: "Shall Amendment No. 4 be adopted?" The roll was taken with the following result:

HCR 29 am
Second Reading
Amendment No. 4

Yeas:	18	Baker, Barnes, Choquette, C.Davis, Gonzales, Hanley, Hudson, Jacko, Larson, Leman, Martin, M.A.Miller, M.W.Miller, G.Phillips, R.Phillips, Sharp, Taylor, Zawacki
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HCR 29 am

Nays: 22 Boyer, Brown, Bruckman, Carney,
Davidson, B.Davis, Donley, Ellis,
Finkelstein, Foster, Gruenberg,
Grussendorf, Ivan, Koponen, Kubina,
Lincoln, Mackie, MacLean, Moyer,
Navarre, Parnell, Ulmer

Excused: 0

Absent: 0

And so, Amendment No. 4 was not adopted.

Amendment No. 5 by Barnes:

Page 1 through page 2, line 23:

Delete in its entirety

Insert "Approving the proposed Exxon Valdez oil spill settlement and suggesting amendments.

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

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,

BE IT RESOLVED by the Alaska State Legislature that the proposed settlement is approved with the following binding conclusions on the State of Alaska:

I. Appropriations issues

The process must be constitutional:

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

II. Trust Fund Operations/Public Input

- A. Two members of legislature, appointed by presiding officers, to be ex officio non-voting members of trustee board.

HCR 29 am

- B. Funding decisions to be made with public input through broad-based Citizens Advisory Board (legislature must appropriate as stated above).
 - C. Subject to Open Meetings Act & Public Records Act.
 - D. Subject to GAO & Legislative Budget & Audit oversight and audit.
 - E. Establish procedures per rule-making provisions of Alaska Administrative Procedures Act.
- III. Release of Scientific and Economic Data to the Public
- A. Release of information to be subject of separate agreement between legislature and administration.
 - B. State may withhold information only if it obtains an in camera protective order by showing:
 - 1. information is privileged pursuant to Public Records Act and Civil Rules of Procedure; and
 - 2. information would materially and substantially harm State's case in pending litigation.
- IV. Miscellaneous
- A. Clarify status of archaeological claims.
 - B. Clarify ambiguity of Paragraph 13 relating to third party claims."

Representative Barnes moved and asked unanimous consent that Amendment No. 5 be adopted.

Objection was heard.

Representative Barnes rose to a point of order concerning questioning the motives of members.

The Speaker cautioned members to proceed in order.

HCR 29 am

The question being: "Shall Amendment No. 5 be adopted?" The roll was taken with the following result:

HCR 29 am
Second Reading
Amendment No. 5

Yeas:	14	Baker, Barnes, Gonzales, Hanley, Hudson, Leman, Martin, M.A. Miller, M.W. Miller, G. Phillips, R. Phillips, Sharp, Taylor, Zawacki
Nays:	26	Boyer, Brown, Bruckman, Carney, Choquette, Davidson, B. Davis, C. Davis, Donley, Ellis, Finkelstein, Foster, Gruenberg, Grussendorf, Ivan, Jacko, Koponen, Kubina, Larson, Lincoln, Mackie, MacLean, Moyer, Navarre, Parnell, Ulmer

Excused: 0

Absent: 0

And so, Amendment No. 5 was not adopted.

Amendment No. 6 by Gruenberg:

Page 1, line 3, following "negotiated":

Delete "a proposed settlement of most of the state's claims arising from the Exxon Valdez oil spill"

Insert "an 'Agreement and Consent Decree' and a 'Memorandum of Agreement and Consent Decree', both signed March 12, 1991, and relating to the settlement of State v. Exxon Corporation, et al., No. 89-06852 (Alaska Superior Court, Third Judicial District), and of State v. Exxon Corporation, et al., No. A91-083 (United States District Court, District of Alaska)".

Page 1, lines 14 and 15, following "at least":

Delete all material

Insert "\$100,000,000 in settlement of civil claims within 90 days of the date the settlement is approved and, in addition, at least \$600,000,000 in settlement of civil claims within one year thereafter;"

HCR 29 am

Page 2, line 8:

Delete "civil"

Page 2, line 14:

Delete "and"

Page 2, line 15, after "regulations":

Insert ", and that the trust fund shall be subject to oversight and auditing by the General Accounting Office and by the Legislative Budget and Audit Committee"

Page 2, line 23, after "clause":

Delete "."

Insert "; and be it

FURTHER RESOLVED that copies of this resolution shall be sent to the Honorable H. Russel Holland, Chief Judge, United States District Court for the District of Alaska; Jack G. Clarke, Senior Vice-President, Exxon Corporation; Richard Stewart, Assistant Attorney General, Environmental and Natural Resources Division, United States Department of Justice; the Honorable Walter J. Hickel, Governor of the State of Alaska; and to the Honorable Charles F. Cole, Attorney General of the State of Alaska"

Representative Gruenberg moved and asked unanimous consent that Amendment No. 6 be adopted.

Representative Barnes objected.

The question being: "Shall Amendment No. 6 be adopted?" The roll was taken with the following result:

HCR 29 am
Second Reading
Amendment No. 6

Yeas: 27

Boyer, Brown, Bruckman, Carney,
Choquette, Davidson, B.Davis,
C.Davis, Donley, Ellis,
Finkelstein, Foster, Gruenberg,
Grussendorf, Hudson, Ivan, Jacko,
Koponen, Kubina, Larson, Leman,
Lincoln, Mackie, MacLean, Moyer,
Navarre, Ulmer

HCR 29 am

Nays: 13 Baker, Barnes, Gonzales,
Hanley, Martin, M.A.Miller,
M.W.Miller, Parnell, G.Phillips,
R.Phillips, Sharp, Taylor, Zawacki

Excused: 0

Absent: 0

And so, Amendment No. 6 was adopted.

Amendment No. 7 by Hanley:

Page 2, line 23:

Delete subsection (11) in its entirety

Representative Hanley moved and asked unanimous consent that Amendment No. 7 be adopted.

Representative Donley objected.

The question being: "Shall Amendment No. 7 be adopted?" The roll was taken with the following result:

HCR 29 am
Second Reading
Amendment No. 7

Yeas: 19 Baker, Barnes, Choquette,
C.Davis, Gonzales, Hanley, Hudson,
Kubina, Leman, Martin, M.A.Miller,
M.W.Miller, Navarre, Parnell,
G.Phillips, R.Phillips, Sharp,
Taylor, Zawacki

Nays: 21 Boyer, Brown, Bruckman, Carney,
Davidson, B.Davis, Donley, Ellis,
Finkelstein, Foster, Gruenberg,
Grussendorf, Ivan, Jacko, Koponen,
Larson, Lincoln, Mackie, MacLean,
Moyer, Ulmer

Excused: 0

Absent: 0

And so, Amendment No. 7 was not adopted.

HCR 29 am

Amendment No. 8 by Hanley:

Page 2, lines 4 and 5:

Delete subsection (3) in its entirety

Representative Hanley moved and asked unanimous consent that Amendment No. 8 be adopted.

Representative Kubina objected.

The question being: "Shall Amendment No. 8 be adopted?" The roll was taken with the following result:

HCR 29 am
Second Reading
Amendment No. 8

Yeas: 16 Baker, Barnes, Choquette,
C.Davis, Gonzales, Hanley, Leman,
Martin, M.A.Miller, M.W.Miller,
Parnell, G.Phillips, R.Phillips,
Sharp, Taylor, Zawacki

Nays: 24 Boyer, Brown, Bruckman, Carney,
Davidson, B.Davis, Donley, Ellis,
Finkelstein, Foster, Gruenberg,
Grussendorf, Hudson, Ivan, Jacko,
Koponen, Kubina, Larson, Lincoln,
Mackie, MacLean, Moyer, Navarre,
Ulmer

Excused: 0

Absent: 0

And so, Amendment No. 8 was not adopted.

Amendment No. 9 by Leman:

Page 1, line 14:

Delete "at least \$700,000,000 within one year"

Insert "\$900,000,000 in three equal annual
payments within three years"

Page 1, line 16, through page 2, line 3:

Delete in its entirety

HCR 29 am

Representative Leman moved and asked unanimous consent that Amendment No. 9 be adopted.

Representative Brown objected.

Representative Kubina moved and asked unanimous consent that Amendment No. 9 be divided.

The Speaker ruled the question was divisible.

Objection was heard.

The question being: "Shall Amendment No. 9 be divided?" The roll was taken with the following result:

HCR 29 am
Second Reading
Amendment No. 9
Divide question

Yeas:	23	Baker, Barnes, Brown, Choquette, C.Davis, Gonzales, Hanley, Hudson, Jacko, Koponen, Kubina, Larson, Leman, Mackie, MacLean, M.A.Miller, M.W.Miller, Navarre, G.Phillips, R.Phillips, Sharp, Taylor, Zawacki
Nays:	17	Boyer, Bruckman, Carney, Davidson, B.Davis, Donley, Ellis, Finkelstein, Foster, Gruenberg, Grussendorf, Ivan, Lincoln, Martin, Moyer, Parnell, Ulmer
Excused:	0	
Absent:	0	

And so, Amendment No. 9 was divided into two parts.

Representative Kubina moved and asked unanimous consent that the House rescind action in dividing Amendment No. 9.

HCR 29 am

The question being: "Shall the House rescind action in dividing Amendment No. 9?" The roll was taken with the following result:

HCR 29 am
Second Reading
Amendment No. 9
Rescind division of amendment

Yeas:	27	Boyer, Brown, Bruckman, Carney, Choquette, Davidson, B.Davis, C.Davis, Donley, Ellis, Finkelstein, Foster, Gruenberg, Grussendorf, Hudson, Ivan, Jacko, Koponen, Kubina, Larson, Lincoln, Mackie, MacLean, Moyer, Navarre, Parnell, Ulmer
Nays:	13	Baker, Barnes, Gonzales, Hanley, Leman, Martin, M.A.Miller, M.W.Miller, G.Phillips, R.Phillips, Sharp, Taylor, Zawacki
Excused:	0	
Absent:	0	

And so, the House rescinded action in dividing Amendment No. 9.

The question being: "Shall Amendment No. 9 be adopted?" The roll was taken with the following result:

HCR 29 am
Second Reading
Amendment No. 9

Yeas:	13	Baker, Barnes, Gonzales, Hanley, Leman, Martin, M.A.Miller, M.W.Miller, G.Phillips, R.Phillips, Sharp, Taylor, Zawacki
Nays:	27	Boyer, Brown, Bruckman, Carney, Choquette, Davidson, B.Davis, C.Davis, Donley, Ellis, Finkelstein, Foster, Gruenberg, Grussendorf, Hudson, Ivan, Jacko, Koponen, Kubina, Larson, Lincoln, Mackie, MacLean, Moyer, Navarre, Parnell, Ulmer
Excused:	0	
Absent:	0	

And so, Amendment No. 9 was not adopted.

HCR 29 am

Amendment No. 10 was not offered.

Amendment No. 11 by Sharp:

Page 1, line 1, following "settlement" (title amendment):

Delete "and suggesting amendments"

Page 1, lines 8 and 9, following "disapproved":

Delete "unless certain changes are made"

Page 1, line 11:

Delete "; and be it"

Insert "."

Page 1, line 12 through page 2, line 23:

Delete in its entirety

Representative Sharp moved and asked unanimous consent that Amendment No. 11 be adopted.

Objection was heard.

The question being: "Shall Amendment No. 11 be adopted?"
The roll was taken with the following result:

HCR 29 am
Second Reading
Amendment No. 11

Yeas:	13	Baker, Barnes, Gonzales, Hanley, Leman, Martin, M.A. Miller, M.W. Miller, G. Phillips, R. Phillips, Sharp, Taylor, Zawacki
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HCR 29 am

Nays: 27 Boyer, Brown, Bruckman, Carney,
Choquette, Davidson, B.Davis,
C.Davis, Donley, Ellis,
Finkelstein Foster, Gruenberg,
Grussendorf, Hudson, Ivan, Jacko,
Koponen, Kubina, Larson, Lincoln,
Mackie, MacLean, Moyer, Navarre,
Parnell, Ulmer

Excused: 0

Absent: 0

And so, Amendment No. 11 was not adopted.

Amendment No. 12 by Leman:

Page 1, line 14:

Delete "at least \$700,000,000 within one year"

Insert "\$100,000,000 in settlement of civil claims
within 90 days of the date the settlement is
approved and, in addition, \$800,000,000 in three
equal annual payments, in settlement of civil
claims within three years thereafter;"

Representative Leman moved and asked unanimous consent that
Amendment No. 12 be adopted.

Objection was heard.

The question being: "Shall Amendment No. 12 be adopted?"
The roll was taken with the following result:

HCR 29 am
Second Reading
Amendment No. 12

Yeas: 18 Baker, Barnes, Brown, Gonzales,
Hanley, Hudson, Jacko, Kubina,
Leman, Martin, M.A.Miller,
M.W.Miller, Navarre, G.Phillips,
R.Phillips, Sharp, Taylor, Zawecki

HCR 29 am

Nays: 22 Boyer, Bruckman, Carney,
Choquette, Davidson, B.Davis,
C.Davis, Donley, Ellis,
Finkelstein, Foster, Gruenberg,
Grussendorf, Ivan, Koponen, Larson,
Lincoln, Mackie, MacLean, Moyer,
Parnell, Ulmer

Excused: 0

Absent: 0

And so, Amendment No. 12 was not adopted.

Amendment No. 13 by Gruenberg:

Page 1, line 1 (title amendment):

Delete "disapproving"

Insert "relating to"

Delete "and suggesting amendments"

Representative Gruenberg moved and asked unanimous consent that Amendment No. 13 be adopted. There being no objection, Amendment No. 13 was adopted, and the new title appears below:

"Relating to the proposed Exxon Valdez oil spill settlement."

The question being: "Shall HCR 29 am pass the House?" The roll was taken with the following result:

HCR 29 am
Second Reading
Final Passage

Yeas: 27 Boyer, Brown, Bruckman, Carney,
Choquette, Davidson, B.Davis,
C.Davis, Donley, Ellis,
Finkelstein, Foster, Gruenberg,
Grussendorf, Hudson, Ivan, Jacko,
Koponen, Kubina, Larson, Lincoln,
Mackie, MacLean, Moyer, Navarre,
Parnell, Ulmer

HCR 29 am

Nays: 13 Baker, Barnes, Gonzales,
Hanley, Leman, Martin, M.A. Miller,
M.W. Miller, G. Phillips,
R. Phillips, Sharp, Taylor, Zawacki

Excused: 0

Absent: 0

And so, HCR 29 am passed the House.

Representative Gruenberg gave notice of reconsideration of his vote on HCR 29 am.

Representative Gruenberg moved and asked unanimous consent that the House adopt the following letter of intent:

House Letter of Intent
for
HCR 29 am

"It is the intent of the House of Representatives that the constitutionality of the funding mechanisms in the proposed settlement agreement be decided as expeditiously as possible. To accomplish this the House of Representatives requests that the parties or the federal court on its own motion certify the constitutional questions to the Alaska Supreme Court pursuant to Alaska Appellate Rule 407."

Representative Gruenberg moved and asked unanimous consent to withdraw the letter of intent. There being no objection, it was so ordered.

RECONSIDERATIONHCR 29 am

Representative Gruenberg moved and asked unanimous consent that the reconsideration of HCR 29 am be taken up on the same day.

HCR 29 am

Representative Taylor objected.

Representative Taylor moved and asked unanimous consent that the House adjourn.

The Speaker ruled the motion out of order.

The question being: "Shall the reconsideration of HCR 29 am be taken up on the same day?" The roll was taken with the following result:

HCR 29 am
Second Reading
Reconsideration - Same Day

Yeas:	27	Boyer, Brown, Bruckman, Carney, Choquette, Davidson, B.Davis, C.Davis, Donley, Ellis, Finkelstein, Foster, Gruenberg, Grussendorf, Hudson, Ivan, Jacko, Koponen, Kubina, Larson, Lincoln, Mackie, MacLean, Moyer, Navarre, Parnell, Ulmer
Nays:	13	Baker, Barnes, Gonzales, Hanley, Leman, Martin, M.A.Miller, M.W.Miller, G.Phillips, R.Phillips, Sharp, Taylor, Zawacki
Excused:	0	
Absent:	0	

And so, the motion passed.

HCR 29 am was again before the House in second reading.

Representative Taylor placed a call of the House.

Representative Taylor moved and asked unanimous consent that the House rescind action in failing to adopt Amendment No. 4.

Objection was heard.

HCR 29 am

The call was satisfied.

Representative Gruenberg moved and asked unanimous consent that Representative Lincoln be excused from a call of the House for the remainder of the day.

Representative Taylor objected.

The question being: "Shall Representative Lincoln be excused from a call of the House for the remainder of the day?" The roll was taken with the following result:

Excuse Representative Lincoln

Yeas: 34 Baker, Boyer, Brown, Bruckman,
Carney, Choquette, Davidson,
B.Davis, C.Davis, Donley, Ellis,
Finkelstein, Foster, Gonzales,
Gruenberg, Grussendorf, Hanley,
Hudson, Ivan, Jacko, Koponen,
Kubina, Larson, Leman, Lincoln,
Mackie, MacLean, M.W.Miller, Moyer,
Navarre, Parnell, G.Phillips,
Sharp, Ulmer

Nays: 6 Barnes, Martin, M.A.Miller,
R.Phillips, Taylor, Zawacki

Excused: 0

Absent: 0

And so, Representative Lincoln was excused from a call of the House for the remainder of the day.

The question being: "Shall the House rescind action in failing to adopt Amendment No. 4?" The roll was taken with the following result:

HCR 29 am

Reconsideration

Rescind action on Amendment No. 4

Yeas: 15 Baker, Barnes, Choquette,
Gonzales, Hanley, Hudson, Leman,
Martin, M.A.Miller, M.W.Miller,
G.Phillips, R.Phillips, Sharp,
Taylor, Zawacki

HCR 29 am

Nays: 24 Boyer, Brown, Bruckman, Carney,
Davidson, B.Davis, C.Davis,
Donley, Ellis, Finkelstein, Foster,
Gruenberg, Grussendorf, Ivan, Jacko,
Koponen, Kubina, Larson, Mackie,
MacLean, Moyer, Navarre, Parnell,
Ulmer

Excused: 1 Lincoln

Absent: 0

And so, the motion failed.

Representative Taylor moved and asked unanimous consent that the House rescind action in failing to adopt Amendment No. 5.

Representative Gruenberg objected.

The question being: "Shall the House rescind action in failing to adopt Amendment No. 5?" The roll was taken with the following result:

HCR 29 am

Reconsideration

Rescind action on Amendment No. 5

Yeas: 13 Baker, Barnes, Gonzales,
Hanley, Leman, Martin, M.A.Miller,
M.W.Miller, G.Phillips,
R.Phillips, Sharp, Taylor, Zawacki

Nays: 26 Boyer, Brown, Bruckman, Carney,
Choquette, Davidson, B.Davis,
C.Davis, Donley, Ellis,
Finkelstein, Foster, Gruenberg,
Grussendorf, Hudson, Ivan, Jacko,
Koponen, Kubina, Larson, Mackie,
MacLean, Moyer, Navarre, Parnell,
Ulmer

Excused: 1 Lincoln

Absent: 0

And so, the motion failed.

HCR 29 am

Representative Taylor moved and asked unanimous consent that the House rescind action in failing to adopt Amendment No. 7.

Representative Bruckman objected.

The question being: "Shall the House rescind action in failing to adopt Amendment No. 7?" The roll was taken with the following result:

HCR 29 am

Reconsideration

Rescind action on Amendment No. 7

Yeas: 13 Baker, Barnes, Gonzales,
Hanley, Leman, Martin, M.A. Miller,
M.W. Miller, G. Phillips,
R. Phillips, Sharp, Taylor, Zawacki

Nays: 26 Boyer, Brown, Bruckman, Carney,
Choquette, Davidson, B. Davis,
C. Davis, Donley, Ellis,
Finkelstein, Foster, Gruenberg,
Grussendorf, Hudson, Ivan, Jacko,
Koponen, Kubina, Larson, Mackie,
MacLean, Moyer, Navarre, Parnell,
Ulmer

Excused: 1 Lincoln

Absent: 0

And so, the motion failed.

Representative Taylor moved and asked unanimous consent that the House rescind action in failing to adopt Amendment No. 12.

Representative Gruenberg objected.

HCR 29 am

The question being: "Shall the House rescind action in failing to adopt Amendment No. 12?" The roll was taken with the following result:

HCR 29 am

Reconsideration

Rescind action on Amendment No. 12

Yeas:	14	Baker, Barnes, Gonzales, Hanley, Kubina, Leman, Martin, M.A.Miller, M.W.Miller, G.Phillips, R.Phillips, Sharp, Taylor, Zawacki
Nays:	25	Boyer, Brown, Bruckman, Carney, Choquette, Davidson, B.Davis, C.Davis, Donley, Ellis, Finkelstein, Foster, Gruenberg, Grussendorf, Hudson, Ivan, Jacko, Koponen, Larson, Mackie, MacLean, Moyer, Navarre, Parnell, Ulmer
Excused:	1	Lincoln
Absent:	0	

And so, the motion failed.

The question to be reconsidered: "Shall HCR 29 am pass the House?" The roll was taken with the following result:

HCR 29 am

Reconsideration

Yeas:	26	Boyer, Brown, Bruckman, Carney, Choquette, Davidson, B.Davis, C.Davis, Donley, Ellis, Finkelstein, Foster, Gruenberg, Grussendorf, Hudson, Ivan, Jacko, Koponen, Kubina, Larson, Mackie, MacLean, Moyer, Navarre, Parnell, Ulmer
Nays:	13	Baker, Barnes, Gonzales, Hanley, Leman, Martin, M.A.Miller, M.W.Miller, G.Phillips, R.Phillips, Sharp, Taylor, Zawacki
Excused:	1	Lincoln
Absent:	0	

And so, HCR 29 am passed the House on reconsideration.

HCR 29 am

Representative Ulmer moved and asked unanimous consent that the House adopt the following letter of intent:

House Letter of Intent No. 2
for
HCR 29 am

"It is the intent of the Legislature that the constitutionality of the funding mechanisms described in Section 5 and Section 6 of HCR 29 am be decided as expeditiously as possible. To accomplish this the Legislature requests that the parties or the federal court on its own motion certify the constitutional questions to the Alaska Supreme Court pursuant to Alaska Appellate Rule 407."

Representative Martin objected and withdrew the objection. There being no further objection, the House Letter of Intent No. 2 was adopted.

Representative Martin moved and asked unanimous consent that to enter a fiscal note for HCR 29 into the record.

The Speaker ruled the motion out of order.

HCR 29 am was referred to the Chief Clerk for engrossment.

LEGISLATIVE CITATIONS

Representative Gruenberg moved and asked unanimous consent that the House approve the citations on the calendar. There being no objection, the House approved the following citations:

Honoring - Delores E. Graver
By Representatives Ulmer, Hudson, Bruckman, C.Davis,
Parnell
Senator Duncan

Honoring - Seawolf Skaters
By Senator Collins
Representatives Baker, Bruckman, Choquette, B.Davis,
C.Davis, Donley, Ellis, Gruenberg, Hanley, Leman,
Martin, Navarre, Parnell, R.Phillips

Honoring - Aaron Swenson, 1991 Alaska State Spelling
Champion
By Representatives Bruckman, Choquette, B.Davis,
C.Davis, Ellis, Gruenberg, Hanley, Kubina, Leman,
Martin, Navarre, Parnell

Honoring - Fredrick O. Baggett
By Senators Menard, Kerttula
Representatives Carney, Larson, Bruckman, C.Davis,
Koponen, Kubina, Moyer, Parnell

In Memoriam - Phillip Irish
By Representatives Kubina, Bruckman, C.Davis, Leman,
Parnell
Senators Kerttula, Menard

There being no objection, it was so ordered.

RECONSIDERATION

CSHB 139(HES)

Representative Leman brought up reconsideration of the vote on CSHB 139(HES) (page 1053).

The following was again before the House in third reading:

CS FOR HOUSE BILL NO. 139 (HES)
"An Act relating to public recognition of, and incentives for, pollution prevention and waste reduction and recycling efforts; and providing for an effective date."

The question to be reconsidered: "Shall CSHB 139(HES) pass the House?" The roll was taken with the following result:

CSHB 139(HES) Reconsideration

Yeas:	34	Boyer, Brown, Bruckman, Carney, Choquette, Davidson, B.Davis, C.Davis, Donley, Ellis, Finkelstein, Foster, Gonzales, Gruenberg, Grussendorf, Hanley, Hudson, Ivan, Jacko, Koponen, Kubina, Larson, Leman, Mackie, MacLean, M.A.Miller, M.W.Miller, Moyer, Navarre, Parnell, G.Phillips, R.Phillips, Sharp, Ulmer
Nays:	5	Baker, Barnes, Martin, Taylor, Zawacki
Excused:	1	Lincoln

HCR 29 am

Absent: 0

And so, CSHB 139(HES) passed the House.

Representative Gruenberg moved and asked unanimous consent that the roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

CSHB 139(HES) was referred to the Chief Clerk for engrossment.

UNFINISHED BUSINESSHB 189

The Speaker waived the Resources Committee referral on the following at the request of Representative Davidson, Chairman:

HOUSE BILL NO. 189

"An Act establishing the Alaska heritage endowment fund and amending the responsibilities of the Alaska State Museum and of the Museum Collections Advisory Committee; and providing for an effective date."

HB 189 was sent to the Finance Committee.

CSSB 40(FIN)

The Speaker waived the Health, Education & Social Services Committee referral on the following at the request of Representative Carney, Chairman:

CS FOR SENATE BILL NO. 40 (FINANCE)

"An Act regulating the practice of marital and family therapy and amending Alaska Rule of Evidence 504(a)(3)."

CSSB 40(FIN) was sent to the Judiciary Committee, with a further referral to the Finance Committee.

HB 306

Representative Donley added his name as co-sponsor and Representative Sharp removed his name as co-sponsor to:

HOUSE BILL NO. 306

"An Act establishing a McNeil River State Game Refuge and altering the McNeil River State Game Sanctuary; and providing for an effective date."

HB 313

Representative R. Phillips added his name as co-sponsor to:

HOUSE BILL NO. 313

"An Act excluding certain recreational activities sponsored by an employer from coverage provided under workers' compensation."

CSSCR 19(STA)

Representative G. Phillips added her name as cross-sponsor to:

CS FOR SENATE CONCURRENT RESOLUTION NO. 19 (STA)
Relating to enforcement of state laws prohibiting age discrimination in employment.

CSSJR 24(STA)

Representative G. Phillips added her name as cross-sponsor to:

CS FOR SENATE JOINT RESOLUTION NO. 24 (STA)
Relating to enforcement of the Age Discrimination in Employment Act.

ENGROSSMENT

HCR 29 am

HCR 29 am was engrossed, signed by the Speaker and the Chief Clerk and transmitted with the House Letter of Intent to the Senate for consideration.

CSHB 139 (HES)

CSHB 139 (HES) was engrossed, signed by the Speaker and the Chief Clerk and transmitted to the Senate for consideration.

ENROLLMENTSCS CSHB 5 (RLS)

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 4:45 p.m., May 1, 1991:

SENATE CS FOR CS FOR HOUSE BILL NO. 5 (RULES)
"An Act making an appropriation to the Department of Education for K - 12 support and education program support; and providing for an effective date."

ANNOUNCEMENTS

House Committee schedules are published daily under separate cover.

ADJOURNMENT

Representative Gruenberg moved and asked unanimous consent that the House adjourn until 10:00 a.m., May 3, 1991. There being no objection, the House adjourned at 7:10 p.m.

Kristin Gray
Chief Clerk

HB 5	1110
HB 89	1069
HB 102	1070
HB 139	1107 1110
HB 143	1078-1083
HB 159	1070-1071
HB 189	1108
HB 196	1071-1072
HB 237	1072
HB 260	1072-1073
HE 263	1073
HB 271	1073-1074
HB 298	1074
HB 306	1109
HB 313	1078 1109
HCR 20	1068
HCR 29	1076 1077 1087-1106 1108 1109
HCR 30	1076 1077 1083-1087
SB 18	1074-1075
SB 40	1108
SB 101	1069
SB 131	1075-1076
SCR 19	1109
SJR 24	1109

HCR

29

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

FORUM / LETTERS

Spill settlement lacks a key element: fairness

By REP. MAX GRUENBERG

When Gov. Hickel returned from Washington, D.C., in March, he announced that he had just negotiated with Exxon and the Justice Department the best civil-settlement deal Alaska could expect from the oil spill. Despite the governor's sincere attempt to negotiate a good deal for Alaska, this settlement was unfair to Alaska and here's why:

- Alaskans would have been excluded from decisions as to how much money should be spent on restoration and recovery in spill-hit areas. Instead, a board of federal and state bureaucrats would have unilaterally decided how the money should be allocated. There was no guarantee that the people directly affected by the spill would have had any say in the matter.

- It did not adequately protect the rights of Alaska Natives and other third-party groups. Unless loopholes in the settlement were closed, the rights of Alaska Natives to recover damages from Exxon for cultural and subsistence losses could have been restricted. Also, commercial fishermen could have lost their right to recover damages resulting from diminished fish stocks.

- All scientific and economic data could have remained secret without justification. This information should be published so the public can be sure that further damage is minimized, more safeguards can be prepared, and the total impact of the spill can

be fully assessed. This will also help prevent unfounded claims by the oil industry of recovery rates in spill areas and verify the toll on wildlife and natural resources.

The House set up a nine-member bipartisan committee which went over the proposal literally line by line during more than 100 hours of hearings over a period of six weeks. The committee also held hearings in Seward, Homer, Kodiak and Cordova to hear from people in areas most directly affected by the spill.

In total, 230 Alaskans from all over the state either wrote or testified about the settlement. Of those, 169 (67 percent) were strongly against the settlement proposal, 11 (6 percent) favored it and the remaining 31 (23 percent) were neutral.

Most committee members felt the settlement weighed too heavily in favor of Exxon by giving the oil giant 11 years to pay the \$900 million settlement. Over time that meant the settlement was really worth only between \$500 million and \$700 million. Meanwhile, Exxon would have continued to profit off money owed to the state.

The House wants a \$700 million payout (what Alaska Attorney General Charles Cole asserted is the real value of the original proposal) within 15 months of the date the judge approves the settlement. Exxon should pay that up front and be done with it.

Under the rejected proposal, the state of

Alaska would have subsidized Exxon through state corporate tax write-offs from the settlement worth at least \$5 million. House members thought it was unfair that Exxon should be awarded a \$5 million state tax break. Incidentally, under the agreement, Exxon would have been able to write off more than \$150 million in federal taxes. The House wanted the agreement modified to prevent Exxon from deducting the civil settlement from its state taxes.

The House also suggested changes so scientific and economic data would be published on a case-by-case basis unless a court ordered that the data be kept secret.

In addition, the House asked that the public be intimately involved in spending decisions and that the rights of Alaska Natives and other third parties to file claims against Exxon be fully protected.

Other recommended changes would assume that the settlement conforms to the Alaska Constitution by requiring legislative appropriation of monies and that two state legislators be nonvoting members of the trustee board, which will make final spending decisions.

The House suggested the criminal fine be increased to \$500 million, \$100 million going to the state and \$100 million going to the federal government. The rest would go into the civil settlement trust fund for restoration purposes. That would bring the total settlement to \$1.2 billion, a much higher

figure than the rejected settlement, but still equal to Gov. Hickel's goal.

Let's be very clear: the House still wants a fair settlement. The House's suggestions are a road map to making an equitable settlement happen. In rejecting the civil settlement, the House showed that Alaskans have the fortitude to withstand large offers that are really not fair in the long run. True, we took a risk that one of the parties might choose to litigate rather than renegotiate. My colleagues and I felt that was a small risk because litigation is in nobody's best interest.

The governor made the right decision in putting the settlement before the legislature. He now has a stronger hand to win concessions that protect Alaska's rights, provide fair and adequate compensation and have broad-based popular support. Legislators expect the governor to honor his word that he will give the public and the legislature opportunity to review and approve the settlement, even if it's a second version. With a little encouragement, Exxon, the Justice Department and the Hickel administration will emerge with a better proposal, one that we all can live with.

□ Rep. Max Gruenberg of Anchorage is the House Majority Leader.

Alaska State Legislature

House of Representatives

Official Business



P.O. Box V
State Capitol, Rm. 216
Juneau, Alaska 99811
(907) 463-3718

House Special Committee on the Exxon Valdez Oil Spill Claims Settlement

May 1, 1991

Honorable Ben Grussendorf
Speaker of the House
Pouch V
Juneau, Alaska 99811

HCR 29

Dear Mr. Speaker:

THE HOUSE SPECIAL COMMITTEE ON THE EXXON VALDEZ OIL SPILL CLAIMS SETTLEMENT
CONSIDERED THE ATTACHED WORK DRAFT (7-LS1330A) ASSIGNED THE NUMBER
HCR 29 BY THE CHIEF CLERK'S OFFICE, WITH THE TITLE:

DISAPPROVING THE PROPOSED EXXON VALDEZ ^{oil spill} SETTLEMENT AND SUGGESTING
AMENDMENTS

RECOMMENDATION: APPROVE

WITH THE ATTACHED ZERO FISCAL NOTE.

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

(Indicate after signature, DNP, NR,
AM)

Max Gruenberg
Cliff Davidson
Gene Kukuna
Paul Bowley
Mike Savane
John Miller

Samira Barnes DNP

Max Gruenberg, Jr.
Max Gruenberg, Jr., Chairman

no Rec. WJ
No Rec - Gail Phillips

Huds
←

HOUSE CONCURRENT RESOLUTION NO. 29
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: 5/2/91

Referred: Today's Calendar

A RESOLUTION

1 Disapproving the proposed Exxon Valdez oil spill settlement and suggesting amendments.

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. 29**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: 5/2/91

Referred: Today's Calendar

A RESOLUTION**1 Disapproving the proposed Exxon Valdez oil spill settlement and suggesting amendments.****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

May 2, 1991

AMENDMENT #1

IN THE HOUSE
TO HCR 29

By: Representatives G. Phillips, Barnes Taylor, Baker, Zawacki,
Leman, Hanley, Martin, Sharp, M.A. Miller, M.W. Miller,
Gonzales, R. Phillips

Delete: Pg 1 Ln 1-17

Delete: Pg 2 Ln 1-23

Insert the following:

"Approving the proposed Exxon Valdez oil spill claims settlement.

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

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

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

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

HOUSE AMENDMENT #4

TO: Michigan HCR #29

BY: B. Hudson

Page 1 Line 10

Delete: All AFTER is on line 10 to :
after respects on line 13.

Add: Approved - subject to the following Amendments
~~after~~ after is on line 10.

Submit original amendment to the Chief Clerk.
It will then be numbered and duplicated.

Alaska State House of Representatives
Seventeenth Legislature

RCS# 481
Item 336

05-02-91
15:26:27

HCR 29 am

Second Reading
Amendment No. 4

Yeas:	18	Baker, Barnes, Choquette, Davis, C., Gonzales, Hanley, Hudson, Jacko, Larson, Leman, Martin, Miller, M.A., Miller, M.W., Phillips, G., Phillips, R., Sharp, Taylor, Zawacki
Nays:	22	Boyer, Brown, Bruckman, Carney, Davidson, Davis, B., Donley, Ellis, Finkelstein, Foster, Gruenberg, Grussendorf, Ivan, Koponen, Kubina, Lincoln, Mackie, MacLean, Moyer, Navarre, Parnell, Ulmer
Excused:	0	
Absent:	0	

#5
2 page amendment ✓

HOUSE AMENDMENT

TO: HCL 29

BY: Barnes

Page 1

Line Delete all language insert following

A RESOLUTION

^{Approving}
1 ~~Disapproving~~ the proposed Exxon Valdez oil spill settlement and suggesting amendments.

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 and~~
9 ~~contain changes are made, ~~the~~~~

10 BE IT RESOLVED by the Alaska State Legislature that the proposed settlement is ~~disapproved~~
11 ~~approved and be it~~

*with the following pending conclusions on the
State of Alaska*

••. I Appropriations issues

The process must be constitutional:

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

Submit original amendment to the Chief Clerk.
It will then be numbered and duplicated.

HOUSE AMENDMENT

5

Page 2

BY: _____

TO: _____

Page _____ Line _____

III. Trust Fund Operations/Public Input

- A. Two members of legislature, appointed by presiding officers, to be ex officio non-voting members of trustee board.
- B. Funding decisions to be made w/ public input through broad-based Citizens Advisory Board (legislature must appropriate as stated above).
- C. Subject to Open Meetings Act & Public Records Act.
- D. Subject to GAO & Leg. Budget & Audit oversight and audit.
- E. Establish procedures per rule-making provisions of Alaska Administrative Procedures Act.

IV. Release of Scientific and Economic Data to the Public

- A. Release of information to be subject of separate agreement between legislature and administration.
- B. State may withhold information only if it obtains an in camera protective order by showing:
 - (1) information is privileged pursuant to Public Records Act and Civil Rules of Procedure; and
 - (2) information would materially and substantially harm State's case in pending litigation.

V. Miscellaneous

- A. Clarify status of archaeological claims.
- B. Clarify ambiguity of Paragraph 13 relating to third party claims

HOUSE AMENDMENT #7 ✓

TO: HCR 29

BY: Hanley

Page 2 Line 23

Delete all of ^{sub} section (11)

file

Submit original amendment to the Chief Clerk.
It will then be numbered and duplicated.

Alaska State House of Representatives
Seventeenth Legislature

RCS# 484
Item 336

05-02-91
15:55:55

HCR 29 am

Second Reading
Amendment No. 7

Yeas:	19	Baker, Barnes, Choquette, Davis, C., Gonzales, Hanley, Hudson, Kubina, Leman, Martin, Miller, M.A., Miller, M.W., Navarre, Parnell, Phillips, G., Phillips, R., Sharp, Taylor, Zawacki
Nays:	21	Boyer, Brown, Bruckman, Carney, Davidson, Davis, B., Donley, Ellis, Finkelstein, Foster, Gruenberg, Grussendorf, Ivan, Jacko, Koponen, Larson, Lincoln, Mackie, MacLean, Moyer, Ulmer
Excused:	0	
Absent:	0	

failed 15-24

HOUSE AMENDMENT #8 ✓

TO: HCR 29

BY: Hanley

Page 2 Lines 4+5

Delete all of section (3)

Submit original amendment to the Chief Clerk.
It will then be numbered and duplicated.