

Introduced	Scalzi, Drathman, Navarre, Glick
Date:	6/04/96
Action:	Adopted
Vote:	8 Yes, 1 No

**KENAI PENINSULA BOROUGH
RESOLUTION 96-054**

**A RESOLUTION REQUESTING GOVERNOR KNOWLES TO VETO HB 158,
“AN ACT RELATING TO CIVIL ACTIONS”**

WHEREAS, in the second session of the Nineteenth Legislature for the State of Alaska the legislature passed “An Act Relating to Civil Actions,” HB 158; and

WHEREAS, the Legislature’s Act Relating to Civil Actions reduces punitive damage awards in Alaska; and

WHEREAS, the Legislature’s Act contains language that could affect pending litigation; and

WHEREAS, the Kenai Peninsula Borough was greatly affected by the 1989 Exxon Valdez Oil Spill and litigation involving many residents is still pending; and

WHEREAS, that millions of dollars in punitive damages were awarded, but have not yet been paid to litigants residing in the Kenai Peninsula Borough, and the retroactive aspect of HB 158 could greatly affect the outcome; and

WHEREAS, the Exxon attorneys have stated and are expected to argue during the appeal process that the punitive damage award is against public policy in Alaska; and

WHEREAS, this Act could be used by Exxon attorneys to argue that punitive damages awarded to Kenai Peninsula Borough residents should be significantly reduced;

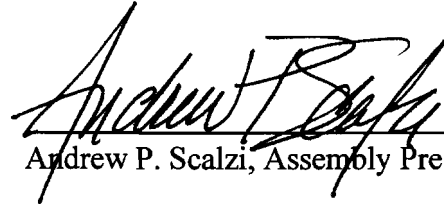
NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That Governor Knowles is requested to veto House Bill 158, an “Act Relating to Civil Actions.”

SECTION 2. That while the Kenai Peninsula Borough takes no position on civil tort reform, the Borough is opposed to the retroactive aspect of HB 158 as it may affect pending litigation as well as the 75% windfall payment of punitive damages to the state.

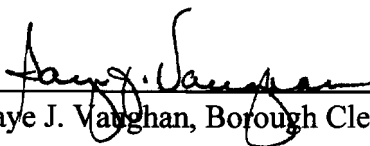
SECTION 3. That a copy of this Resolution be forwarded to Governor Knowles and the Alaska State Legislature.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4th DAY OF JUNE, 1996.



Andrew P. Scalzi, Assembly President

ATTEST:



Gaye J. Vaughan, Borough Clerk