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28th Legislature(2013-2014)

Alaska Statutes 2013

[AS 37.14.420](#)

Article 05. EXXON VALDEZ OIL SPILL TRUST Sec. 37.14.400. Trust recognized. The trust established under the Memorandum of Agreement and Consent Decree entered into by the United States and the state in settlement of claims to money received for injury, loss, or destruction of the natural resources affected by the March 24, 1989, Exxon Valdez oil spill, and approved by the United States District Court on August 28, 1991, is recognized. It shall be managed as provided in the Memorandum of Agreement and Consent Decree that established it.

Sec. 37.14.405. Appropriations required. (a) Notwithstanding any other provision of law, a state agency may not expend money received from the trust unless the expenditure is in accordance with an appropriation made by law.

(b) Appropriations made to satisfy the requirement of (a) of this section may be made by general appropriations of program receipts conditioned on compliance with the program review provisions of [AS 37.07.080](#)(h).

(c) The provisions of (b) of this section do not apply to amounts paid as reimbursements to the state, as authorized by the Memorandum of Agreement and Consent Decree establishing the trust, for expenses that are

- (1) related to the Exxon Valdez oil spill; and
- (2) incurred by the state on or before December 31, 1992.

Sec. 37.14.410. Reimbursed expenditures. (a) Amounts received by the state as reimbursement for expenses related to the Exxon Valdez oil spill incurred by the state on or before December 31, 1992, shall be deposited in the general fund and, except as required under (b) of this section, may not be credited to an oil and hazardous substance release mitigation account under [AS 46.04.010](#) or to an account established in [AS 46.08.020](#) or 46.08.025.

(b) A percentage of each payment deposited in the general fund under (a) of this section shall be credited to the prevention account established in [AS](#)

46.08.010(a)(1). That percentage is determined by dividing
(1) the amount of the expenses for which the state may be reimbursed under (a) of this section that were paid from the oil and hazardous substance release response fund established under AS 46.08.010, by
(2) the total amount of expenses for which the state may be reimbursed under (a) of this section.

Sec. 37.14.415. Budget and reports. The state trustees shall
(1) submit to the governor and the legislature by December 15 of each year a report setting out, for each object or purpose of expenditure, the amounts approved for expenditure from the trust during the preceding fiscal year and the amounts actually expended during the preceding fiscal year;
(2) prepare and submit, under AS 37.07 (Executive Budget Act), a budget for the next fiscal year setting out, for each object or purpose of expenditure, the trustees' estimate of the amounts that are, during the next fiscal year, to be funded by the trust and expended by state agencies; and
(3) prepare and submit to the legislature at the same time the budget for state agency expenditures is submitted under (2) of this section, a proposal setting out, for each object or purpose of expenditure, the trustees' estimate of the amounts that are to be funded by the trust in the next fiscal year and that are not included in the budget submitted under (2) of this section.

Sec. 37.14.420. Payments to persons other than governments. The state trustees may not agree to an expenditure of money from the trust to a person or entity other than an agency of the state or federal government unless the expenditure is for administrative expenses of the trust and is consistent with the competitive principles of AS 36.30 (State Procurement Code). This section does not prevent an agency receiving trust money from expending the money in accordance with procurement or other law applicable to that agency.

Sec. 37.14.425. Public records. For purposes of AS 40.25.120, records of the trust in the custody of or subject to the control of state officers and agencies are public records.

Sec. 37.14.430. Applicability of open meetings law. (a) The provisions of AS 44.62.310 - 44.62.319 (Open Meetings Act) apply to a meeting related to the trust in which
(1) one or more of the state trustees and one or more of the federal trustees participate, except to the extent that applicable federal law conflicts with AS 44.62.310 or 44.62.312, in which case the applicable federal law governs; or
(2) two or more of the state trustees, but none of the federal trustees,

participate.

(b) Notwithstanding (a) of this section, the provisions of [AS 44.62.310](#) - 44.62.319 (Open Meetings Act) do not apply to a discussion between the trustees outside of a formal meeting about matters related to the trust if, during the discussion, no decision is made and none of the trustees agrees to vote in a particular way.

(c) The state trustees may discuss the establishment of an official common state position regarding the trust in executive session under [AS 44.62.310](#)(b) and (c)(1).

(d) For the purposes of this section,
(1) a person to whom a state trustee has delegated any of the trustee's authority related to the trust is considered a state trustee; and
(2) a person to whom a federal trustee has delegated any of the trustee's authority related to the trust is considered a federal trustee.

Sec. 37.14.450. Definitions. In [AS 37.14.400](#) - 37.14.450,

(1) "federal trustee" means a person appointed by the President of the United States to serve as a co-trustee of the trust;

(2) "state trustee" means a state officer designated by the governor to serve as a co-trustee of the trust;

(3) "trust" means the trust established for natural resource damage recoveries under the Memorandum of Agreement and Consent Decree entered into by the United States and the state in settlement of claims to money received by the state and federal governments for injury, loss, or destruction to the natural resources affected by the March 24, 1989, Exxon Valdez oil spill, and approved by the court on August 28, 1991.