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1 IN THE SENATE

2

SENATE BILL NO. 255

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act establishing a special arbitration commission
7 for claims related to the Valdez oil discharge disas-
8 ter."

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

10 * Section 1. VALDEZ DISASTER ARBITRATION COMMISSION. (a) There is
11 established the Valdez Disaster Arbitration Commission consisting of five
12 members appointed by the governor to serve at the governor's pleasure.

13 (b) A member of the commission must, at the time of appointment, be a
14 member of the American Arbitration Association.

15 * Sec. 2. DUTIES OF THE COMMISSION. Upon a properly presented request
16 under sec. 3 of this Act, the commission shall hold hearings and make
17 awards for claims arising from the Valdez oil discharge disaster.

18 * Sec. 3. PRESENTATION OF CLAIMS. (a) A person who has a claim for
19 damages or the costs of containment and cleanup arising from the Valdez oil
20 discharge disaster may apply to the commission in writing for arbitration
21 of the claim.

22 (b) If the commission determines that the person from whom damages
23 and costs are sought agrees to arbitration by the commission, the commis-
24 sion shall proceed under sec. 4 of this Act.

25 (c) If the commission determines that the person from whom damages
26 and costs are sought does not agree to arbitration by the commission, the
27 commission shall promptly notify the claimant.

28 * Sec. 4. ARBITRATION PROCEDURES. (a) Arbitration by the commission
29 is governed by AS 09.43.010 - 09.43.180 (Uniform Arbitration Act), except

1 as provided in this Act.

2 (b) An arbitration award by the commission must provide that the
3 arbitrators' expenses and fees, together with other expenses, including
4 counsel fees, incurred in the conduct of the arbitration, shall be paid by
5 the person against whom the claim is brought.

6 * Sec. 5. DEFINITIONS. In this Act

7 (1) "commission" means the Valdez Disaster Arbitration Commis-
8 sion;

9 (2) "Valdez oil discharge disaster" means the incident involving
10 the discharge of crude oil after the grounding of the Exxon Valdez south of
11 Valdez on March 24, 1989; the discharge of ballast water from another
12 tanker on the subsequent weekend in order to accommodate the transfer of
13 crude oil from the Exxon Valdez to the second tanker; and attendant con-
14 tainment and cleanup actions.