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Bullard
2/14/18

CS FOR HOUSE BILL NO. 231(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:
Referred:

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act reducing the membership of the Alaska Commercial Fisheries Entry
2 Commission to two individuals; providing that a single member of the commission may
3 exercise all powers and duties of the commission; providing for commissioner
4 compensation; relating to tie votes of the commission; assigning employees of the
5 commission to the classified service; and providing for an effective date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** AS 16.43.020(a) is amended to read:

8 (a) There is established the Alaska Commercial Fisheries Entry Commission
9 as a regulatory and quasi-judicial agency of the state. The commission consists of two
10 [THREE] members appointed by the governor and confirmed by the legislature in
11 joint session.

12 * **Sec. 2.** AS 16.43.030(c) is amended to read:

13 (c) A vacancy on the commission does not impair the authority of a single
14 commissioner [QUORUM OF COMMISSIONERS] to exercise all the powers and

perform all the duties of the commission.

* **Sec. 3.** AS 16.43.040 is amended to read:

Sec. 16.43.040. Quorum. A single member [TWO MEMBERS] of the commission constitutes [CONSTITUTE] a quorum for the transaction of business, for the performance of a duty, or for the exercise of a power of the commission.

* **Sec. 4.** AS 16.43.060 is amended to read:

Sec. 16.43.060. Compensation. Members of the commission are in the exempt service and are entitled to a monthly salary. The member serving as chair is paid a salary equal to a step in Range 27, and the other commissioner is paid a salary equal to a step in Range 24, of the salary schedule in AS 39.27.011.

* **Sec. 5.** AS 16.43.080(a) is amended to read:

(a) The commission may employ those persons necessary to carry out the purposes of this chapter. [EMPLOYEES OF THE COMMISSION ARE IN THE EXEMPT SERVICE UNDER AS 39.25.110.]

* **Sec. 6.** AS 16.43.110 is amended by adding a new subsection to read:

(f) In case of a tie vote between commissioners in an adjudicatory proceeding, the decision of the hearing officer is the final administrative decision of the commission subject to review by a superior court under AS 44.62 (Administrative Procedure Act).

* **Sec. 7.** AS 16.43.960(d) is amended to read:

(d) The show cause hearing shall be conducted before at least one commissioner [A QUORUM OF COMMISSIONERS] and shall be presided over by a hearing officer appointed by the commission [WHO SHALL RULE ON THE PRESENTATION OF EVIDENCE AND OTHER PROCEDURAL MATTERS]. Hearings shall be conducted in accordance with regulations adopted under AS 16.43.110(b).

* **Sec. 8.** AS 39.25.110(11)(D) is repealed.

* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding new sections to read:

TRANSITION: ASSIGNMENT OF EXISTING STAFF MEMBERS OF THE ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION. Employees employed as

1 staff members of the Alaska Commercial Fisheries Entry Commission on or before the
2 effective date of this Act are assigned to the classified service in accordance with
3 AS 16.43.080(a), as amended by sec. 5 of this Act. Notwithstanding any other provision of
4 law, staff members of the Alaska Commercial Fisheries Entry Commission employed on or
5 before the effective date of this Act

6 (1) shall immediately be appointed to the classified service;

7 (2) may not have a reduction in pay

8 (A) solely because of the assignment described in this section; or

9 (B) if the employee is assigned to a position in the classified service
10 that is classified at a lower rate of pay than the rate of pay that was received when the
11 position was assigned to the exempt service.

12 * **Sec. 10.** The uncoded law of the State of Alaska is amended by adding a new section to
13 read:

14 APPLICABILITY. AS 16.43.060, as amended by sec. 4 of this Act, applies to the
15 compensation of commissioners of the Alaska Commercial Fisheries Entry Commission
16 appointed after the effective date of this Act.

17 * **Sec. 11.** This Act takes effect immediately under AS 01.10.070(c).