

CS FOR HOUSE BILL NO. 183(URS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON UTILITY RESTRUCTURING

Offered: 4/20/99

Referred: Labor and Commerce

Sponsor(s): HOUSE SPECIAL COMMITTEE ON UTILITY RESTRUCTURING

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the powers and duties of the chair of the Alaska Public
2 Utilities Commission; relating to membership on the Alaska Public Utilities
3 Commission; relating to political conduct by and removal of members of the
4 Alaska Public Utilities Commission; relating to the annual report of the Alaska
5 Public Utilities Commission; and providing for an effective date."

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

7 * **Section 1.** AS 42.05.020(b) is amended to read:

8 (b) The governor shall designate one member of the commission as **chair**
9 [CHAIRMAN] of the commission. This member shall serve as **chair** [CHAIRMAN]
10 for a term of four years, but may be appointed for successive terms. **The chair is**
11 **responsible for the administration of the commission and commission employees.**

12 * **Sec. 2.** AS 42.05.035 is repealed and reenacted to read:

13 **Sec. 42.05.035. Removal of commissioners.** The governor may remove a

1 commissioner from office only for inefficiency, neglect of duty, or misconduct in
 2 office, or because the member, while serving on the commission, is convicted of a
 3 misdemeanor for violating a statute or regulation related to public utilities or is
 4 convicted of a felony. The governor shall deliver to the commissioner a copy of the
 5 charges against the commissioner. The commissioner shall have an opportunity to
 6 present a defense in person or through counsel at a public hearing before the governor
 7 or the governor's designee. The commissioner shall be informed of the hearing by
 8 registered mail at least 10 days before the hearing date. At the hearing, the
 9 commissioner may confront and cross-examine adverse witnesses. Upon removal of
 10 the commissioner, the findings and a complete statement of all charges made against
 11 the commissioner shall be filed in the Office of the Lieutenant Governor.

12 * **Sec. 3.** AS 42.05.040 is repealed and reenacted to read:

13 **Sec. 42.05.040. Qualifications of members.** (a) No more than two members
 14 of the commission may be members of the same political party. A person may not be
 15 appointed or reappointed to the commission for one year after changing political party
 16 membership.

17 (b) A member of the commission may not participate in

18 (1) political management or in a political campaign for a candidate for
 19 election to federal, state, or local office regardless of whether the campaign is partisan
 20 or nonpartisan or for passage or defeat of a ballot measure of any type;

21 (2) the campaign of, or attend campaign fund-raising events for, a
 22 candidate for governor or the legislature;

23 (3) a fund-raising event held on behalf of a political party or attend a
 24 political party fund-raising event; or

25 (4) lobbying activities that would require a person to register as a
 26 lobbyist.

27 * **Sec. 4.** AS 42.05.101(a) is amended to read:

28 (a) The chair of the commission shall establish for the commission a
 29 principal office and branch offices necessary to discharge its business efficiently. For
 30 the convenience of the public or of parties to a proceeding, the commission may hold
 31 meetings, hearings, or other proceedings at other locations.

1 * **Sec. 5.** AS 42.05.111(b) is amended to read:

2 (b) The **chair of the** commission may employ temporary legal counsel **for the**
 3 **commission** from time to time in proceedings before the commission in which the
 4 attorney general is representing the public interest or a party before the commission.

5 * **Sec. 6.** AS 42.05.121 is amended to read:

6 **Sec. 42.05.121. Employment of commission personnel.** (a) The commission
 7 may employ an executive director who shall have had at least five years of experience
 8 in public utility management or regulation, law, accounting, engineering, or an allied
 9 field. The executive director is responsible for directing the administrative functions
 10 of the commission and carrying out the policies as set by the commission. The **chair**
 11 **of the** commission may employ engineers, hearing officers, administrative law judges
 12 to the extent provided by AS 42.06.140(b), experts, clerks, accountants, and other
 13 agents and assistants **considered** [IT CONSIDERS] necessary **by the commission**.
 14 Employees and agents of the commission who are not partially exempt under
 15 AS 39.25.120, other than legal counsel, are in the classified service under
 16 AS 39.25.100.

17 (b) In addition to **the** [ITS] staff of regular employees, the **chair of the**
 18 commission may contract for and engage the services of consultants and experts the
 19 commission considers necessary.

20 * **Sec. 7.** AS 42.05.211 is amended to read:

21 **Sec. 42.05.211. Annual report.** The commission shall, by February **1** [15] of
 22 each year, publish an annual report reviewing its work and notify the legislature that
 23 the report is available. The report must contain

24 **(1)** information and data that bear a significant relationship to the
 25 development and regulation of public utility services in the state;

26 **(2)** [AND INCLUDE] an outline of the commission's program for the
 27 development and regulation of public utility services in the forthcoming year;

28 **(3)** **a summary of the activities of the commission during the**
 29 **previous year; and**

30 **(4)** **a report on and evaluation of the timeliness of the commission's**
 31 **action on dockets during the previous year.**

1 * **Sec. 8.** AS 42.05.050 is repealed.

2 * **Sec. 9.** The provisions of AS 42.05.035, repealed and reenacted by sec. 2 of this Act,
3 apply to a member of the Alaska Public Utilities Commission serving on the effective date
4 of this Act. This Act is intended to extinguish any existing right of a sitting commissioner
5 to the removal procedure specified in former AS 42.05.035.

6 * **Sec. 10.** This Act takes effect immediately under AS 01.10.070(c).