

HOUSE BILL NO. 323

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE HUDSON

Introduced: 1/31/00

Referred: House Special Committee on Utility Restructuring, Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the employment of hearing examiners, arbitrators, and
2 mediators by the Regulatory Commission of Alaska; repealing a requirement that
3 the principal office of the Alaska Oil and Gas Conservation Commission move to
4 the same location as the principal office of the Regulatory Commission of Alaska;
5 relating to the sharing of record-keeping facilities and clerical staff by the two
6 commissions; and providing for an effective date."

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

8 * **Section 1.** AS 42.04.050(a) is amended to read:

9 (a) The chair of the commission is responsible for directing the administrative
10 functions of the commission and carrying out the policies as set by the commission.
11 The commission chair may employ engineers, hearing examiners [OFFICERS],
12 administrative law judges, arbitrators, mediators, experts, clerks, accountants, and
13 other agents and assistants considered necessary. Employees of the commission who

1 are not in the exempt service under AS 39.25.110 or the partially exempt service under
2 AS 39.25.120 [,] are in the classified service under AS 39.25.100.

3 * **Sec. 2.** AS 42.04.050(c) is amended to read:

4 (c) At the request of the Alaska Oil and Gas Conservation Commission and
5 to the extent workload permits, the Regulatory Commission of Alaska shall make
6 available to the Alaska Oil and Gas Conservation Commission the services of a
7 hearing examiner [OFFICER].

8 * **Sec. 3.** AS 42.04.070(b) is amended to read:

9 (b) The chair of the commission may appoint a hearing examiner [OFFICER]
10 or an administrative law judge to hear a matter that has come before the commission;
11 a member of the commission may serve as hearing examiner [OFFICER] or, if
12 qualified, as an administrative law judge.

13 * **Sec. 4.** AS 42.05.171 is amended to read:

14 **Sec. 42.05.171. Formal hearings.** A formal hearing that the commission has
15 power to hold may be held by or before a hearing panel appointed under
16 AS 42.04.080, a hearing examiner [OFFICER], or an administrative law judge
17 designated for the purpose by the chair of the commission. In appropriate cases, a
18 formal hearing may be held before an arbitrator or mediator designated for the
19 purpose by the commission. The testimony and evidence in a formal hearing may be
20 taken by the panel, by the hearing examiner [OFFICER], by the arbitrator, by the
21 mediator, or by the administrative law judge to whom the hearing has been assigned.
22 A decision of a hearing examiner [OFFICER], an arbitrator, a mediator, or an
23 administrative law judge is not final until approved by the commission. A
24 commissioner who has not heard or read the testimony, including the argument, may
25 not participate in making a decision of a hearing panel. A party may file a petition
26 for reconsideration of, or an administrative appeal of, a decision by a hearing
27 examiner [OFFICER], an arbitrator, a mediator, or an administrative law judge that
28 has been approved by the commission, or a decision of a hearing panel. The full
29 commission shall act on the petition for reconsideration or the appeal. In determining
30 the place of a hearing, the commission shall give preference to holding the hearing at
31 a place most convenient for those interested in the subject of the hearing.

- 1 * **Sec. 5.** Section 27, ch. 25, SLA 1999, is repealed.
- 2 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).