

Introduced in the House: 3/5/03
Referred: Labor and Commerce, Judiciary

Introduced in the Senate: 3/6/03
Referred: Labor and Commerce, Judiciary

EXECUTIVE ORDER NO. 111

1 Under the authority of art. III, sec. 23, of the Alaska Constitution, I order the
 2 following:

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
 4 to read:

5 FINDINGS. As governor, I find that the transfer of certain responsibilities and
 6 functions relating to advocacy on behalf of the public in matters that come before the
 7 Regulatory Commission of Alaska from that agency to the attorney general would be in the
 8 best interests of efficient administration. This transfer will assure that the authority of the
 9 attorney general to determine and advocate for the nature and scope of the public interest in a
 10 particular regulatory matter is properly acknowledged and implemented, and it will avoid
 11 possible duplication of effort or the taking of inconsistent positions by separate agencies of
 12 state government.

13 * **Sec. 2.** AS 42.04.070 is amended to read:

14 **Sec. 42.04.070. Powers and duties of commission chair.** (a) The chair of
 15 the commission shall

- 16 (1) employ the commission staff;
 17 (2) establish and implement a time management system for the
 18 commission;
 19 (3) assign the work of the commission to members and staff of the
 20 commission so that matters before the commission are resolved as expeditiously and
 21 competently as possible; when assigning a matter, the chair shall also set a date by
 22 which time the matter should be completed.

23 (b) The chair of the commission may appoint a hearing examiner or an

1 administrative law judge to hear a matter that has come before the commission; a
 2 member of the commission may serve as hearing examiner or, if qualified, as an
 3 administrative law judge.

4 (c) The chair of the commission shall request [DIRECT] the attorney
 5 general [PUBLIC ADVOCACY SECTION] to participate as a party in a matter when
 6 the commission believes that it is in the public interest for the attorney general to do
 7 so.

8 * **Sec. 3.** AS 44.23.020 is amended by adding a new subsection to read:

9 (e) There is established within the Department of Law the function of public
 10 advocacy for regulatory affairs. The attorney general shall participate as a party in a
 11 matter that comes before the Regulatory Commission of Alaska when the attorney
 12 general determines that participation is in the public interest.

13 * **Sec. 4.** AS 42.04.150 is repealed.

14 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
 15 read:

16 TRANSITION. (a) Litigation, hearings, investigations, and other proceedings
 17 pending under a law repealed by this Order, or in connection with functions transferred by
 18 this Order, continue in effect and may be continued and completed notwithstanding a transfer
 19 or repeal provided for in this Order.

20 (b) Contracts, rights, liabilities, and obligations created by or under a law repealed by
 21 this Order, and in effect on June 30, 2003, remain in effect notwithstanding this Order's taking
 22 effect. Records, equipment, appropriations, and other property of an agency of the state
 23 whose functions are transferred under this Order shall be transferred to implement the
 24 provisions of this Order.

25 * **Sec. 6.** This Order takes effect July 1, 2003.

DATED: _____

 Frank H. Murkowski
 Governor