

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: 3/7/18

Referred: Finance

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 commissioner may exercise all**
3 **powers and duties of the commission if there is a vacancy on the commission; providing**
4 **for commissioner compensation; relating to tie votes of the commission; assigning**
5 **employees of the commission to the classified service; and providing for an effective**
6 **date."**

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

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

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

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

1 (c) **If there is a** [A] vacancy on the commission, [DOES NOT IMPAIR THE
2 AUTHORITY OF] a **single commissioner may** [QUORUM OF COMMISSIONERS
3 TO] exercise all the powers and perform all the duties of the commission.

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

5 **Sec. 16.43.040. Quorum. Unless there is a vacancy on the commission, two**
6 [TWO] members of the commission constitute a quorum for the transaction of
7 business, for the performance of a duty, or for the exercise of a power of the
8 commission.

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

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

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

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

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

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

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

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

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

31 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

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

5 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
6 read:

7 TRANSITION: ASSIGNMENT OF EXISTING STAFF MEMBERS OF THE
8 ALASKA COMMERCIAL FISHERIES ENTRY COMMISSION. Employees employed as
9 staff members of the Alaska Commercial Fisheries Entry Commission on or before the
10 effective date of this Act are assigned to the classified service in accordance with
11 AS 16.43.080(a), as amended by sec. 5 of this Act. Notwithstanding any other provision of
12 law, staff members of the Alaska Commercial Fisheries Entry Commission employed on or
13 before the effective date of this Act

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

15 (2) may not have a reduction in pay

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

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

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