

Offered: 3/4/85
Referred: Finance

Original sponsors: Clocksin, Collins,
Davis, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 162 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to public utility consumer represen-
7 tation; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 44.21.410(a) is amended to read:

10 (a) The office of public advocacy shall

11 (1) perform the duties of the public guardian under AS
12 13.26.360 - 13.26.410;

13 (2) provide visitors and experts in guardianship proceed-
14 ings under AS 13.26.131;

15 (3) provide guardian ad litem services to children in child
16 protection actions under AS 47.17.030(e) and to wards and respondents
17 in guardianship proceedings who will suffer financial hardship or
18 become dependent upon a government agency or a private person or
19 agency if the services are not provided at state expense under AS 13.-
20 26.112;

21 (4) provide legal representation in guardianship proceed-
22 ings to respondents who are financially unable to employ attorneys
23 under AS 13.26.106(b), to indigent parties in cases involving child
24 custody in which the opposing party is represented by counsel provided
25 by a public agency, and to indigent parents or guardians of a minor
26 respondent in a commitment proceeding concerning the minor under
27 AS 47.30.775;

28 (5) provide legal representation and guardian ad litem
29 services under AS 25.24.310; in cases arising under the Uniform

1 Interstate Compact on Juveniles (AS 47.15); in cases involving peti-
2 tions to adopt a minor under AS 25.23.100(j); in cases involving
3 petitions to remove the disabilities of a minor under AS 09.55.590; in
4 children's proceedings under AS 47.10.050(a); and in cases involving
5 indigent persons who are entitled to representation under AS 18.85.100
6 and who cannot be represented by the public defender agency because of
7 a conflict of interests;

8 (6) provide public utility consumer representation under
9 AS 44.21.460.

10 * Sec. 2. AS 44.21 is amended by adding a new section to read:

11 Sec. 44.21.460. PUBLIC UTILITY CONSUMER REPRESENTATION. (a) A
12 public utility consumer representation section is established in the
13 office of public advocacy.

14 (b) The director of the office of public advocacy shall appoint
15 one or more attorneys to operate the public utility consumer represen-
16 tation section. An appointee shall be familiar with public utility
17 regulation and practice before public utility regulatory commissions.
18 An appointment is for a three-year renewable term. An appointee may
19 not be removed from service, nor may an appointee's salary be reduced,
20 during a term except for good cause shown.

21 (c) The budget of the section shall be set out as an independent
22 sub-program or element of the office of public advocacy budget submit-
23 ted by the governor under the Executive Budget Act (AS 37.07). The
24 section's proposed budget shall provide for expert witness fees and
25 other costs of participating in regulatory proceedings in an amount
26 adequate to allow the section to effectively represent residential
27 public utility consumers.

28 (d) The section may

29 (1) initiate, intervene as a party in, or otherwise

1 participate in a hearing or other proceeding involving a public util-
2 ity for the purpose of representing the interests of residential
3 public utility consumers in the proceeding if the section determines
4 that the result of the proceeding may substantially affect the inter-
5 ests of those consumers;

6 (2) maintain an action for judicial review of decisions of
7 a public utility regulatory agency and intervene or otherwise partici-
8 pate in civil proceedings involving review or enforcement of a public
9 utility regulatory agency action that the section determines may
10 substantially affect the interests of residential consumers;

11 (3) select and contract for the services of consultants and
12 experts to assist the section in the preparation and presentation of
13 matters before agencies, commissions, offices or courts;

14 (4) initiate public education and public reports in the
15 news media to protect and represent public utility consumer interests;

16 (5) have access, during normal business hours, to the
17 records of state agencies that are not classified by law as confiden-
18 tial; and

19 (6) conduct discovery necessary to perform the duties set
20 out in this section.

21 (e) The section shall submit an annual report to the governor
22 and the legislature at the beginning of each regular session of the
23 legislature summarizing the activities of the section in the previous
24 fiscal year.

25 (f) In this section

26 (1) "public utility" has the meaning given in AS 42.05.712;

27 (2) "public utility consumer" means a residential customer
28 of a public utility;

29 (3) "section" means the public utility consumer

1 representation section in the office of public advocacy.

2 * Sec. 3. This Act takes effect July 1, 1985.