

**SB**

**229**

**SFIN**

**FILE**

# SENATE FINANCE COMMITTEE REPORT

DATE: 1/28/00

2/15/00

FURTHER:

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 15 Feb 00

Finance Committee considered

SENATE BILL NO. 229

REGULATORY COMM. OF ALASKA/ AOGCC

and recommends:

- be replaced with \_\_\_\_\_ CS
- adopt previous \_\_\_\_\_ CS
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_
- further referral to the \_\_\_\_\_

Forthcoming  
CS

- Senate Bill:
  - same title
  - new title
- House Bill:
  - same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
<i>[Signature]</i>	✓				
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			
Co-Chair: <i>[Signature]</i>	✓	Co-Chair:			

**NEW FISCAL NOTE(S):**

Department                      Date      Zero      Fiscal

DCED	2/1/00	✓	

**PREVIOUS FISCAL NOTE(S):\***

Department                      Date      Zero      Fiscal


APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

# FISCAL NOTE

S: 2/15/00

**STATE OF ALASKA**  
**2000 LEGISLATIVE SESSION**

**BILL NO. SB 229**

Revision Date/12/8/00 8:43 AM	Dept. Affected	DCED
Title	BRU	RCA
	Component	RCA
Sponsor	Senator Pearce	
Requester	Senate Finance	Component No. 2417

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous (Moving Costs)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>						

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Regulatory Cost Charge)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 HB 229 is not expected to cause any increase to the agency's FY01 budget.

Prepared by: <u>G. Nanette Thompson</u>	Phone: <u>276-6222</u>
Division: <u>Chair, RCA</u>	Date/Time: <u>2/8/00 8:43 AM</u>
Approved by: <u>Commissioner Deborah B. Sedwick</u>	Date: <u>2/8/00 8:43 AM</u>
Agency: <u>Community &amp; Economic Development</u>	

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SENATE FINANCE  
COMMITTEE  
Amendment Number: # 1  
Bill Number: SB 229  
Sponsor: Torgerson Date: 2/15/00  
Logged In By: Jamie

AMENDMENT

OFFERED IN THE SENATE  
TO: SB 229

BY SENATOR TORGERSON

- 1 Page 1, line 12 following "judges,":
- 2 Insert "arbitrators, mediators,"

SENATE FINANCE COMMITTEE  
2000 COMMITTEE ACTION

Bill Number	SB 229
Amendment	#1
Motion	Parnell
<u>Motion by</u>	
Objection	No
<u>Objection by</u>	
Removed	
<u>Second Objection by</u>	
<u>Committee Member</u>	<u>Vote</u>
Senator Dave Donley	
Senator Loren Leman	
Senator Al Adams	
Senator Gary Wilken	
Senator Pete Kelly	
Senator Lyda Green	
Senator Randy Phillips	
Co-Chair Sean Parnell	
Co-Chair John Torgerson	
<u>Tally</u>	
Yea	0
Nay	0
Absent	0
<u>MOTION</u>	Adopted

Finalized on

Approved by

# State of Alaska Class Specifications

**Created By:** Rachel Wilson on 08/20/97 at 01:27 PM

**Category:** Professional

**Class Title:** Hearing Officer

**Class Code:** P1925

**Class Range:** 21

**Original Date:**

11/16/85

**Original Comments:**

ORIGINAL

**Subsequent Revision Dates/Comments:**

**Last Update:**

08/16/90

**Last Update Comments:**

Title change and  
broadened class concept  
(KKG).

## Definition:

Under administrative direction, independently performs investigations of alleged violations of State statutes and/or regulations; conducts hearings, regarding complaints, petitions, or alleged violation; and issues determinations.

## Distinguishing Characteristics:

This class is distinguished from other hearing officer related classes which review decisions or actions taken by other employees within the same organization, relating to a particular program or service. This class is characterized by the variety of appeals and has responsibility for reviewing and rendering decisions on actions taken by personnel in all State agencies and/or outside State government, but within their jurisdiction.

## Examples of Duties:

Presides over appeal hearings and maintains record of the hearings; administers oaths; receives and marks documentary evidence; maintains order; issues subpoenas; rules on admissibility of evidence; examines witnesses; determines use of past hearing briefs or arguments; determines closing of the record.

Schedules hearings; determines scope of the hearing; arranges pre-hearing conference, if necessary; may mediate between parties to attempt resolution of issues.

Investigates alleged violations and claims regarding state statutes and/or regulations; reviews points on appeal; contacts affected parties; evaluates record and makes recommendations whether to accept the filing for hearing or to reject the filing for lack of merit or procedural deficiencies.

Drafts letter to affected parties setting out the reasons for the action to be taken.

Receives and evaluates all sworn testimony and documentary evidence and prepares a written decision based on the facts as they relate to statutes and regulations governing the areas in dispute.

Determines applications of laws and regulations; makes administrative decisions such as evidentiary rulings, and preliminary motions.

Recommends changes in policies and practices to minimize future financial or legal jeopardy to State.

Prepares the "record on appeal" if the Hearing Officer's decision is appealed to the courts.

Performs related work as assigned.

### **Knowledge, Skills and Abilities:**

Thorough knowledge of statutes and regulations pertaining to various State appeal processes and procedures.

Thorough knowledge of the rules of evidence, legal terminology, administrative or quasi-judicial hearing procedures.

Ability to evaluate, interpret and apply complex laws, rules and regulations.

Ability to interview individuals to obtain factual information, analyze evidence, and draw logical conclusions.

Ability to conduct quasi-judicial hearings.

Ability to communicate effectively, both orally and in writing, in a clear and concise manner.

### **Minimum Qualifications:**

One year of experience presiding over adversarial hearings and writing decisions which are directly appealable to superior court or to a court of competent jurisdiction.

OR

Five years of experience in a professional adversarial role involving complex legal or contractual matters and authoring hearing memoranda or briefs. Experience must include extensive advocacy before a neutral third party.

OR

Graduation from an accredited law school and one year of professional experience in administrative or regulatory law.

## Required Job Qualifications:

The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.

**Special Note:**

### **Minimum Qualification Questions:**

Do you have one year of experience presiding over adversarial hearings and writing decisions which are directly appealable to superior court or to a court of competent jurisdiction?

### **Or Substitution:**

Do you have five years of experience in a professional adversarial role involving complex legal or contractual matters and authoring hearing memoranda or briefs, including extensive advocacy before a neutral third party?

### **Or Substitution:**

Did you graduate from an accredited law school?

**AND**

Do you have one year of professional experience in administrative or regulatory law?

Finalized on

Approved by

## State of Alaska Class Specifications

**Created By:** Adrienne Snow on 10/21/97 at 10:57 AM

**Category:** Professional

**Class Title:** Hearing Examiner

**Class Code:** P2380

**Class Range:** 24

**Original Date:**  
10/16/74

**Original Comments:**  
ORIGINAL

**Subsequent Revision Dates/Comments:**

**Last Update:**  
09/16/77

**Last Update Comments:**  
Revised Def. and MQs.

### Definition:

Under general direction, conducts hearings and prepares proposed decisions on formal proceedings related to the substantive rights and obligations of persons, including corporations, subject to the provisions of the laws administered by the agency.

### Distinguishing Characteristics:

#### Examples of Duties:

Presides over formal hearings and processes complex ex parte matters on complaints or applications filed with the agency or investigations instituted for the agency.

Instructs parties as to their rights.

Issues subpoenas, administers oaths, examines witnesses and receives documentary evidence.

Hears arguments, directs or permits the filing of briefs and makes ruling prior to submission of assigned matters.

Consults with agency staff members on technical subjects.

Analyzes pleadings in preparation for hearings and determines the need for, and holds

pre-hearing conferences; analyzes and evaluates facts and pertinent laws, and exercises independent judgment in preparation and issuance of reports and findings.

Prepares and recommends drafts of opinions, decisions, orders and recommendations for consideration by the agency.

Advises agency officials on needed changes in hearing procedures and rules.

Performs other related duties.

## **Knowledge, Skills and Abilities:**

Dependent on the agency to which assigned:

Knowledge of laws governing the agency and law administered by it, and the judicial interpretation of such laws; rules and regulations of the agency; the conduct of formal hearings and proceedings; rules of evidence and procedure before the hearing body; administrative and constitutional law applicable to the agency; basic principles of organization, structure and classification; valuation of industry operating properties, and rate fixing procedures.

Ability to conduct proceedings or formal administrative hearings involving controversial issues; do the research on problems which arise in connection with hearings; analyze a variety of controversial problems in the light of applicable principles and precedents and exercise independent judgment in arriving at findings of fact and conclusions of law; make accurate summaries of evidence and prepare examiners' reports, opinions, and findings; present written statements of fact, law, and argument clearly and logically; conduct fair and impartial hearings; analyze situations accurately and effectively.

## **Minimum Qualifications:**

Graduation from a law school approved by the American Bar Association.

AND

Two years of legal or quasi-judicial experience.

## **Required Job Qualifications:**

The special note is to be used to explain any additional information an applicant might need in order to understand or answer questions about the minimum qualifications.

**Special Note:**

### **Minimum Qualification Questions:**

Have you graduated from a law school approved by the American Bar Association?

AND

Do you have two years of legal or quasi-judicial experience?

## Repealed Section 27

**\* Sec. 25. REPORT CONCERNING RESTRUCTURING OF THE ALASKA OIL AND GAS CONSERVATION COMMISSION AND THE REGULATORY COMMISSION OF ALASKA.** The Legislative Budget and Audit Committee shall prepare a report considering the functions of the Regulatory Commission of Alaska and the Alaska Oil and Gas Conservation Commission. The report must address whether it is in the best interest of the state to merge the Regulatory Commission of Alaska and the Alaska Oil and Gas Conservation Commission into a single commission and whether it is in the state's best interest to restructure the functions of the two commissions. The report shall be delivered to the governor and the legislature by the first day of the second session of the Twenty-First Alaska State Legislature.

**\* Sec. 26. MANAGEMENT INFORMATION SYSTEM.** The Regulatory Commission of Alaska shall develop its management information system and make the system accessible to the general public through the Internet for the purpose of tracking, scheduling, and managing all dockets within the commission.

**\* Sec. 27. LOCATION OF THE ALASKA OIL AND GAS CONSERVATION COMMISSION. (a)** The principal office of the Alaska Oil and Gas Conservation Commission shall move to the same location as the principal office of the Regulatory Commission of Alaska as soon as feasible, but in any case, no later than July 1, 2000.

(b) As soon as the Alaska Oil and Gas Conservation Commission moves to the same location as the Regulatory Commission of Alaska, the two commissions shall share record keeping facilities and clerical staff.

**\* Sec. 28. TERMS AND INITIAL APPOINTMENTS. (a)** Notwithstanding AS 42.05.030, the terms of members of the Alaska Public Utilities Commission expire at the close of business on June 30, 1999.

Finalized on

Approved by

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Ability to conduct quasi-judicial hearings.

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### **Minimum Qualifications:**

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OR

Five years of experience in a professional adversarial role involving complex legal or contractual matters and authoring hearing memoranda or briefs. Experience must include extensive advocacy before a neutral third party.

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AND

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**Special Note:**

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AND

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**\* Sec. 28. TERMS AND INITIAL APPOINTMENTS. (a)** Notwithstanding AS 42.05.030, the terms of members of the Alaska Public Utilities Commission expire at the close of business on June 30, 1999.



# Teleconference Participants

TCN: 10379

## Participant Lists

View List for

ALL

Both

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## Participants

Unidentified Testifiers: 0

Unidentified Observers: 0

### ANCHORAGE (ANC)

1

Name: Ms. Nan Thompson

Phone:

Address:

Affiliation: RCA

City /St /Zip:

Type: Testifier *ex*

Bill: SB 229: REGULATORY COMM. OF ALASKA/ AOGCC

2

Name: Ms. Cammy Dechsli Ans ?s

Phone:

Address:

Affiliation: AOGCC

City /St /Zip:

Type: Observer *ex*

Bill: SB 229: REGULATORY COMM. OF ALASKA/ AOGCC