

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 167

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike “decision” and substitute “decisions”; in the same line, strike “party or the”; in the same line, after “record” insert “or party under certain circumstances”; in line 5, strike “a decision” and substitute “certain decisions”; in line 6, strike “notice” and substitute “notices”; strike beginning with “rather” in line 6 down through “decision” in line 7, inclusive; and in line 13, strike “and 9-737” and substitute “, 9-726, and 9-737”.

AMENDMENT NO. 2

On page 2, in line 3, strike “PARTY OR THE”; in the same line, after “RECORD” insert “OR, IF THE PARTY IS UNREPRESENTED, TO THE PARTY”; and after line 3, insert:

“9-726.

(a) Within 15 days after the date of a decision by the Commission, a party may file with the Commission a written motion for a rehearing.

(b) A motion filed under subsection (a) of this section shall state the grounds for the motion.

(c) A motion for rehearing does not stay:

(1) the decision of the Commission; or

(2) the right of another party to appeal from the decision.

(d) (1) Even if an appeal by another party is pending, the Commission promptly shall rule on a motion for rehearing.

(Over)

(2) The Commission may decide a motion for rehearing without granting a hearing on the motion.

(3) The Commission may grant a motion for rehearing only on grounds of error of law or newly discovered evidence.

(e) If the Commission grants a motion for rehearing, the Commission promptly shall hold the rehearing and pass an appropriate order, even if an appeal by another party is pending.

(f) If a party files a motion for a rehearing in accordance with subsection (a) of this section, the time within which an appeal may be taken from the decision starts on:

(1) the date on which the Commission [denies] MAILS NOTICE OF THE DENIAL OF the motion for a rehearing; or

(2) if the Commission grants the motion for rehearing, the date on which the Commission [passes] MAILS NOTICE OF an order under subsection (e) of this section.

(G) (1) IF THE COMMISSION DENIES A MOTION FOR A REHEARING, THE COMMISSION SHALL SEND A COPY OF THE DENIAL BY FIRST CLASS MAIL TO EACH PARTY'S ATTORNEY OF RECORD OR, IF THE PARTY IS UNREPRESENTED, TO THE PARTY.

(2) IF THE COMMISSION GRANTS A MOTION FOR A REHEARING, THE COMMISSION SHALL SEND A COPY OF THE ORDER ISSUED IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, BY FIRST CLASS MAIL TO EACH PARTY'S ATTORNEY OF RECORD OR, IF THE PARTY IS UNREPRESENTED, TO THE PARTY.

[(g)] (H) (1) If a court hears an appeal from the decision before the Commission rules on a motion for a rehearing under subsection (d) of this section or passes an order under subsection (e) of this section, the court shall determine each question of fact or law, including a question that is still before the Commission.

(2) If a court hears an appeal after the Commission rules on a motion for a

rehearing under subsection (d) of this section, the court shall determine each question of fact or law that arises under the original order and any later order that the Commission passes under subsection (e) of this section.”.