

SENATE BILL NO. 203

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST

Introduced: 4/29/03

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to certain administrative hearings; and establishing the office of**
2 **administrative hearings and relating to that office."**

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

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

6 PURPOSE AND INTENT. The purpose of this Act is to increase the separation
7 between the adjudicatory functions of executive branch agencies and the agencies'
8 investigatory, prosecutory, and policy-making functions. The legislature intends by this Act
9 to

10 (1) provide for the delivery of high quality adjudication services in a timely,
11 efficient, and cost-effective manner;

12 (2) ensure respect for the dignity of the individuals whose cases are being
13 adjudicated;

14 (3) foster open and clearly explained agency decisions and improve public

1 access to the process of administrative adjudication;

2 (4) guarantee protection of all parties' due process rights, increase the public
3 parties' perception of fairness in administrative adjudication, and foster acceptance of final
4 administrative decisions by the public and affected parties;

5 (5) protect the integrity of the process of administrative adjudication and
6 decisional independence of administrative adjudicators; and

7 (6) increase consistency in administrative procedures and decisions.

8 * **Sec. 2.** AS 44.21 is amended by adding new sections to read:

9 **Article 9. Office of Administrative Hearings.**

10 **Sec. 44.21.510. Office created.** (a) There is created in the Department of
11 Administration an independent office of administrative hearings under the direction of
12 the chief administrative hearing officer.

13 (b) The chief administrative hearing officer must

14 (1) be a resident of the state;

15 (2) have experience in administrative law; and

16 (3) be licensed to practice law in this state and have been admitted to
17 practice law in this state for at least five years.

18 (c) The chief administrative hearing officer is appointed to a five-year term of
19 office by the governor. An individual may serve not more than three full or partial
20 terms as chief administrative hearing officer. The governor may remove the chief
21 administrative hearing officer from office only for good cause and shall state in
22 writing the basis for removal. A vacancy in the office of chief administrative hearing
23 officer shall be filled by the governor and the individual appointed serves for the
24 remainder of the term to which appointed.

25 (d) The chief administrative hearing officer shall receive a monthly salary that
26 is not less than Step A nor more than Step F, Range 27, of the salary schedule in
27 AS 39.27.011(a) for Juneau, Alaska. The chief administrative hearing officer shall
28 employ a chief assistant of the office who shall receive a monthly salary that is not
29 less than Step A nor more than Step F, Range 18, of the salary schedule in
30 AS 39.27.011(a) for Juneau, Alaska, except that the chief assistant may also receive
31 pay increments for longevity under AS 39.27.022. The chief administrative hearing

1 officer and the chief assistant are in the partially exempt service.

2 **Sec. 44.21.520. Powers and duties of chief administrative hearing officer.**

3 The chief administrative hearing officer shall

- 4 (1) supervise the office;
- 5 (2) employ administrative staff, who shall be in the classified service;
- 6 (3) employ hearing officers, who shall be in the partially exempt
7 service;
- 8 (4) preside over administrative hearings handled by the office or assign
9 hearing officers to preside over hearings and protect, support, and enhance the
10 decisional independence of the hearing officers;
- 11 (5) establish and implement performance standards and peer review
12 programs for hearing officers employed by the office;
- 13 (6) provide and coordinate training and continuing education programs
14 and services in administrative procedure, administrative adjudication, substantive law,
15 and technical matters for hearing officers and other administrative adjudicators;
- 16 (7) survey administrative hearing participants and use other methods to
17 monitor the quality of administrative hearings held by the office and other state
18 agencies, and submit to the governor and the legislature on January 31 of each year a
19 report that includes a description of the activities of the office and recommendations
20 for statutory changes that may be needed in relation to the administrative hearings held
21 by the office or other state agencies;
- 22 (8) review and comment on regulations proposed by state agencies to
23 govern procedures in administrative hearings;
- 24 (9) enter into contracts as necessary to carry out the functions of the
25 office;
- 26 (10) annually prepare and submit to the commissioner of
27 administration a budget for the office for the next fiscal year that shall include and
28 separately identify funding for training and continuing education; a copy of the budget
29 submitted to the commissioner under this paragraph shall also be submitted to the
30 Finance Committee of each house of the legislature; and
- 31 (11) adopt regulations under AS 44.62 (Administrative Procedure Act)

1 to carry out the duties of the office and implement this chapter.

2 **Sec. 44.21.530. Jurisdiction of the office.** (a) The office shall conduct all
3 adjudicative administrative hearings required under the following statutes or under
4 regulations adopted to implement the statutes:

- 5 (1) AS 04.11.510(b)(1) (alcoholic beverages license);
- 6 (2) AS 05.15 (charitable gaming);
- 7 (3) AS 05.20 (recreational devices);
- 8 (4) AS 05.90.001 (special racing events);
- 9 (5) AS 06 (banks and financial institutions);
- 10 (6) AS 08 (occupational licensing), other than AS 08.08;
- 11 (7) AS 10.06 (Alaska Corporations Code);
- 12 (8) AS 10.13 (Alaska BIDCO Act);
- 13 (9) AS 10.25.375 (Electric and Telephone Cooperative Act);
- 14 (10) AS 10.50.408 (limited liability companies);
- 15 (11) AS 14.11.016 (education-related facility grants);
- 16 (12) AS 14.18 (discrimination in public education);
- 17 (13) AS 14.20.030 (teacher certificates);
- 18 (14) AS 14.25.037 (teachers' retirement);
- 19 (15) AS 14.30 (educational programs);
- 20 (16) AS 14.37 (child care facilities);
- 21 (17) AS 14.48 (postsecondary educational institutions);
- 22 (18) AS 17.20 (Alaska Food, Drug, and Cosmetic Act);
- 23 (19) AS 18.07 (certificate of need program);
- 24 (20) AS 18.18.030 (hospice licenses);
- 25 (21) AS 18.20 (hospitals and nursing facilities);
- 26 (22) AS 18.35.040 (tourist accommodations);
- 27 (23) AS 18.55 (housing and public buildings);
- 28 (24) AS 18.60 (safety);
- 29 (25) AS 18.67.040 (Violent Crimes Compensation Board);
- 30 (26) AS 18.80 (State Commission for Human Rights);
- 31 (27) AS 21 (insurance);

- 1 (28) AS 25.27 (child support enforcement);
 2 (29) AS 27.21 (Alaska Surface Coal Mining and Reclamation Act);
 3 (30) AS 32.05 (Uniform Partnership Act);
 4 (31) AS 34.45 (unclaimed property);
 5 (32) AS 34.55.024 and 34.55.026 (Uniform Land Sales Practices Act);
 6 (33) AS 36.30 (State Procurement Code);
 7 (34) AS 38.05.065 (contracts for sale of state land);
 8 (35) AS 39.25 (State Personnel Act);
 9 (36) AS 39.35 and AS 39.45 (Public Employees Retirement Board);
 10 (37) AS 39.52 (Alaska Executive Branch Ethics Act);
 11 (38) AS 41.17 (forest resources and practices);
 12 (39) AS 41.37.050 (Citizens' Advisory Commission on Federal Areas
 13 in Alaska);
 14 (40) AS 43.23 (permanent fund dividends);
 15 (41) AS 43.56.010 - 43.56.120 (oil and gas exploration, production,
 16 and pipeline transportation property taxes);
 17 (42) AS 43.70 (Alaska Business License Act);
 18 (43) AS 44.77 (claims against the state);
 19 (44) AS 45.30.040 (mobile homes);
 20 (45) AS 45.55 (Alaska Securities Act);
 21 (46) AS 45.57 (Takeover Bid Disclosure Act);
 22 (47) AS 46 (water, air, energy, and environmental conservation);
 23 (48) AS 47.30.031 (Alaska Mental Health Trust Authority);
 24 (49) AS 47.33 (assisted living homes);
 25 (50) AS 47.35 (child care);
 26 (51) AS 47.45 (longevity bonuses).

27 (b) An agency may request the office to conduct an administrative hearing of
 28 that agency or to conduct several administrative hearings. The office may provide the
 29 service after entering into a written agreement with the agency describing the services
 30 to be provided and providing for reimbursement by the agency to the office of the
 31 costs incurred by the office in providing the services. To the extent otherwise

1 permitted by law, the agency may delegate to the hearing officer assigned to conduct
 2 the hearing on behalf of the agency the authority to make a final agency decision in
 3 the matter.

4 **Sec. 44.21.540. Hearing officers.** (a) A hearing officer must be admitted to
 5 practice law in this state and must have been admitted to practice for at least two years
 6 before being employed or retained with the office. The chief administrative hearing
 7 officer shall establish additional qualifications for hearing officers employed or
 8 retained by the office and for those hearing officers that may be assigned to particular
 9 types of cases.

10 (b) A hearing officer employed or retained by the office may, in conducting an
 11 administrative hearing for an agency, exercise the powers authorized by law for
 12 exercise by that agency in the performance of its duties in connection with the hearing.
 13 A hearing officer may

14 (1) engage in alternative dispute resolution under regulations adopted
 15 by the chief administrative hearing officer;

16 (2) order a party, a party's attorney, or another authorized
 17 representative of a party to pay reasonable expenses, including attorney fees, incurred
 18 by another party as a result of actions done in bad faith or as a result of tactics used
 19 frivolously or solely intended to cause unnecessary delay;

20 (3) perform other necessary and appropriate acts in the performance of
 21 official duties.

22 (c) A hearing officer employed by the office must devote full time to the
 23 duties of the office unless appointed to a position that is less than full-time. A hearing
 24 officer employed by the office may not

25 (1) perform duties inconsistent with the duties and responsibilities of a
 26 hearing officer; or

27 (2) engage in the private practice of law for compensation while
 28 holding a full-time position with the office.

29 (d) The chief administrative hearing officer may enter into a contract with an
 30 individual who meets the qualifications established in (a) of this section to serve as a
 31 hearing officer in a particular administrative hearing or in several hearings of the same

1 type. Notwithstanding AS 36.30.015(d), the chief administrative hearing officer may
 2 contract for or hire a hearing officer without notifying or securing the approval of the
 3 Department of Law.

4 **Sec. 44.21.550. Code of hearing officer conduct.** (a) The chief
 5 administrative hearing officer shall, by regulation, adopt a code of hearing officer
 6 conduct. Hearing officers of the office and of each other agency shall comply with the
 7 code.

8 (b) The chief administrative hearing officer shall consider all complaints
 9 against hearing officers employed or retained by the office or another agency alleging
 10 violations of the code. If the chief administrative hearing officer determines that the
 11 conduct alleged constitutes a violation of the code, the officer shall investigate the
 12 complaint and may hold a hearing on it. If the chief administrative hearing officer
 13 determines that a violation has occurred, the officer shall submit written findings to
 14 the agency that employed or retained the hearing officer together with
 15 recommendations for corrective or disciplinary action. If the hearing officer is
 16 employed or retained by the office, the chief administrative hearing officer shall take
 17 appropriate corrective or disciplinary action. The chief administrative hearing officer
 18 shall, by regulation, establish procedures to implement this section, including
 19 procedures for filing, investigating, and holding hearings on complaints.

20 (c) In substantial compliance with the regulations adopted under this section,
 21 the attorney general shall handle a complaint filed against the chief administrative
 22 hearing officer under this section.

23 **Sec. 44.21.560. Procedure for hearings.** (a) The chief administrative
 24 hearing officer shall, by regulation, establish procedures for administrative hearings
 25 conducted by the office. Each administrative hearing under the jurisdiction of the
 26 office or that has been transferred to the office by an agency shall be conducted in
 27 accordance with statutes that apply to that hearing, including, if applicable, the
 28 Administrative Procedure Act (AS 44.62). However, to the extent regulations adopted
 29 by an agency for the conduct of an administrative hearing conflict with regulations
 30 adopted by the chief administrative hearing officer under this subsection, the
 31 regulations adopted by the chief administrative hearing officer control.

1 (b) When an agency receives a request for a hearing that will be conducted by
2 the office under AS 44.21.530, the agency shall immediately notify the office. The
3 agency shall compile and transmit to the office the agency file and all materials
4 relevant to the matter.

5 (c) A hearing officer employed or retained by the office shall, within 90 days
6 after the date a case is assigned for hearing, prepare a proposed decision, unless
7 another time period is provided by law or regulation or agreed to by the parties and the
8 chief administrative hearing officer. If the proposed decision is not timely issued, the
9 agency decision that is the subject of the hearing is the final agency decision and the
10 party requesting the hearing may appeal from that decision to the superior court or as
11 otherwise provided by law for appeals of final agency decisions.

12 (d) A proposed decision in an administrative hearing shall be in a form that
13 may be adopted as the final decision by the agency with authority to make the final
14 decision. The proposed decision is a public record unless otherwise provided by law.
15 A copy of the proposed decision shall be served by the office on each party in the case
16 and the attorneys representing those parties in the hearing. Notwithstanding
17 AS 44.62.500(b) and except as provided by other statute, the agency with authority to
18 make a final decision in the case shall, within 30 days after the date the proposed
19 decision is served, do one or more of the following:

- 20 (1) adopt the proposed decision as the final agency decision;
- 21 (2) return the case to the hearing officer to take additional evidence or
22 make additional findings or for other specific proceedings;
- 23 (3) exercise its discretion by revising the proposed enforcement action,
24 order, award, remedy, sanction, or penalty, and adopt the proposed decision as revised;
- 25 (4) in writing reject, modify, or amend a factual finding in the
26 proposed decision by specifying the affected finding and identifying the testimony and
27 other evidence relied on by the agency for the rejection, modification, or amendment
28 of the finding, and issue a final agency decision;
- 29 (5) in writing reject, modify, or amend an interpretation or application
30 in the proposed decision of a statute or regulation directly governing the agency's
31 actions by specifying the reasons for the rejection, modification, or amendment, and

1 issue a final agency decision.

2 **Sec. 44.21.570. Disqualification of hearing officer.** (a) The chief
3 administrative hearing officer or a hearing officer employed or retained by the office is
4 disqualified from a case in which the officer cannot accord a fair and impartial hearing
5 or for other reasons established in the code of hearing officer conduct.

6 (b) A party may request the disqualification of the chief administrative hearing
7 officer or a hearing officer by filing an affidavit, before the taking of evidence at a
8 hearing, stating with particularity the grounds upon which it is claimed that a fair and
9 impartial hearing cannot be accorded by that officer. Notwithstanding
10 AS 44.62.450(c), upon receipt of the affidavit, the hearing officer assigned to the
11 administrative hearing shall make a determination. If the affiant objects to the
12 decision, the matter shall be decided by the chief administrative hearing officer, whose
13 decision is final, or if the hearing is assigned to the chief administrative hearing
14 officer, by the attorney general, whose decision is final.

15 **Sec. 44.21.580. Agency cooperation.** (a) All agencies shall cooperate with
16 the chief administrative hearing officer and with other hearing officers of the office in
17 the matters involving the duties of the office.

18 (b) Except as provided under AS 44.21.570 or by regulation adopted under
19 this chapter, an agency may not select or reject a particular hearing officer for
20 assignment to an administrative hearing.

21 (c) After an administrative hearing is referred by an agency to the office for
22 hearing, the agency may not take further adjudicatory action with respect to the
23 proceeding, except as a party litigant or to render a final decision as provided by law.

24 **Sec. 44.21.590. Administrative hearing records.** (a) The office shall
25 acquire, organize, and make available to the public records relating to administrative
26 hearings of the office and of other agencies. The records must include information,
27 materials, and data bases used in the conduct of hearings, and the proposed and final
28 agency decisions. All court decisions resulting from appeals from final agency
29 decisions shall also be collected and included in the records. The office shall make
30 final agency decisions available on line through an electronic data base.

31 (b) This section does not apply to records that are confidential or privileged.

1 **Sec. 44.21.599. Definitions.** In AS 44.21.510 - 44.21.599,

2 (1) "administrative hearing" means a contested case before an agency
3 in which

4 (A) the matter is heard by a hearing officer who does not
5 represent or have authority to make decisions for the agency in its capacity as a
6 party to the proceedings;

7 (B) the parties may present testimony and evidence not
8 previously considered by the agency; and

9 (C) the hearing officer has authority to make factual findings,
10 legal rulings, and issue a proposed or final agency decision; an administrative
11 hearing does not include a public non-adjudicative hearing;

12 (2) "agency" means an agency of the executive branch of state
13 government, including an officer, division, or other subunit of an agency, a public
14 corporation, and the University of Alaska;

15 (3) "hearing officer" means an individual who presides over the
16 conduct of an administrative hearing and who is retained or employed by an agency
17 for that purpose;

18 (4) "office" means the office of administrative hearings established in
19 AS 44.21.510.

20 * **Sec. 3.** AS 04.11.510(b) is amended to read:

21 (b) The board may review an application for the issuance, renewal, transfer of
22 location, or transfer to another person of a license without affording the applicant
23 notice or hearing, except

24 (1) if an application is denied, the notice of denial shall be furnished
25 the applicant immediately in writing stating the reason for the denial in clear and
26 concise language; the notice of denial must inform the applicant that the applicant is
27 entitled to an informal conference with either the director or the board, and that, if not
28 satisfied by the informal conference, the applicant is then entitled to a formal hearing
29 **conducted** before **a hearing officer from the office of administrative hearings**
30 **(AS 44.21.510)** [THE BOARD]; if the applicant requests a formal hearing, the **office**
31 **of administrative hearings** [BOARD] shall adhere to AS 44.62.330 - 44.62.630

1 (Administrative Procedure Act); all interested persons may be heard at the hearing and
 2 unless waived by the applicant and the board, the formal hearing shall be held in the
 3 area for which the application is requested;

4 (2) the board may, on its own initiative or in response to an objection
 5 or protest, hold a hearing to ascertain the reaction of the public or a local governing
 6 body to an application if a hearing is not required under this subsection; the board
 7 shall send notice of a hearing conducted under this paragraph 20 days in advance of
 8 the hearing to each community council established within the municipality and to each
 9 nonprofit community organization entitled to notification under AS 04.11.310(b);

10 (3) if a petition containing the signatures of 35 percent of the adult
 11 residents having a permanent place of abode outside of but within two miles of an
 12 incorporated city or an established village is filed with the board, the board shall hold
 13 a public hearing on the question of whether the issuance, renewal, or transfer of the
 14 license in the city or village would be in the public interest;

15 (4) if a protest to the issuance, renewal, transfer of location or transfer
 16 to another person of a license made by a local governing body is based on a question
 17 of law, the board shall hold a public hearing.

18 * **Sec. 4.** AS 05.20.080 is amended to read:

19 **Sec. 05.20.080. Application of Administrative Procedure Act.** The
 20 procedure for review of the orders or actions of the department, its agents or
 21 employees, is the same as that contained in AS 44.62 (Administrative Procedure Act).
 22 **Administrative hearings on contested cases shall be conducted by the office of**
 23 **administrative hearings (AS 44.21.510).**

24 * **Sec. 5.** AS 05.90.001(b) is amended to read:

25 (b) The Department of Public Safety, with the concurrence of the Department
 26 of Transportation and Public Facilities, may grant, and for cause cancel, permission to
 27 conduct a special racing event as provided in this section upon terms and conditions
 28 and at times and places the department may determine. If an applicant's permission is
 29 refused or cancelled, the applicant may request the Department of Public Safety for a
 30 hearing. The hearing shall be conducted under the provisions of **AS 44.62** [THE]
 31 **(Administrative Procedure Act) by the office of administrative hearings**

1 **(AS 44.21.510)** [(AS 44.62)].

2 * **Sec. 6.** AS 06.01.030(f) is amended to read:

3 (f) Hearings required or authorized under this title are not subject to
4 AS 44.62.330 - 44.62.630, except as required by AS 44.62.560 and 44.62.570. The
5 department shall adopt regulations, consistent with the provisions of this title,
6 establishing procedures for hearings held under this section. **Administrative**
7 **hearings on contested cases shall be conducted by the office of administrative**
8 **hearings (AS 44.21.510).**

9 * **Sec. 7.** AS 08.01.075(c) is amended to read:

10 (c) A board may summarily suspend a licensee from the practice of the
11 profession before a final hearing is held or during an appeal if the board finds that the
12 licensee poses a clear and immediate danger to the public health and safety. A person
13 is entitled to a hearing **conducted by the office of administrative hearings**
14 **(AS 44.21.510)** [BEFORE THE BOARD] to appeal the summary suspension within
15 seven days after the order of suspension is issued. A person may appeal an adverse
16 decision of the board on an appeal of a summary suspension to a court of competent
17 jurisdiction.

18 * **Sec. 8.** AS 08.01.087(b) is amended to read:

19 (b) If it appears to the commissioner that a person has engaged in or is about
20 to engage in an act or practice in violation of a provision of this chapter or a regulation
21 adopted under it, or a provision of AS 43.70, or a provision of this title or regulation
22 adopted under this title dealing with an occupation or board listed in AS 08.01.010, the
23 commissioner may, if the commissioner considers it in the public interest, and after
24 notification of a proposed order or action by telephone, telegraph, or facsimile to all
25 board members, if a board regulates the act or practice involved, unless a majority of
26 the members of the board object within 10 days,

27 (1) issue an order directing the person to stop the act or practice;
28 however, reasonable notice of and an opportunity for a hearing must first be given to
29 the person, except that the commissioner may issue a temporary order before a hearing
30 is held; a temporary order remains in effect until a final order affirming, modifying, or
31 reversing the temporary order is issued or until 15 days after the person receives the

1 notice and has not requested a hearing by that time; a temporary order becomes final if
 2 the person to whom the notice is addressed does not request a hearing within 15 days
 3 after receiving the notice; **if the hearing involves AS 08.08 or a regulation adopted**
 4 **under that chapter,** the commissioner or the commissioner's designee shall be the
 5 hearing officer at the hearing and shall issue a final order within 10 days after the
 6 hearing; **otherwise the hearing shall be conducted by the office of administrative**
 7 **hearings (AS 44.21.510);**

8 (2) bring an action in the superior court to enjoin the acts or practices
 9 and to enforce compliance with this chapter, a regulation adopted under it, an order
 10 issued under it, or with a provision of this title or regulation adopted under this title
 11 dealing with business licenses or an occupation or board listed in AS 08.01.010;

12 (3) examine or have examined the books and records of a person
 13 whose business activities require a business license or licensure by a board listed in
 14 AS 08.01.010, or whose occupation is listed in AS 08.01.010; the commissioner may
 15 require the person to pay the reasonable costs of the examination; and

16 (4) issue subpoenas for the attendance of witnesses, and the production
 17 of books, records, and other documents.

18 * **Sec. 9.** AS 08.11.090(c) is amended to read:

19 (c) The department may summarily suspend a license before final hearing or
 20 during the appeals process if the department finds that the licensee poses a clear and
 21 immediate danger to the public welfare and safety if the licensee continues to practice.
 22 An individual whose license is suspended under this subsection is entitled to a hearing
 23 **conducted** by the **office of administrative hearings (AS 44.21.510)** not
 24 [DEPARTMENT NO] later than seven days after the effective date of the order. The
 25 individual may appeal the suspension after the hearing to the superior court.

26 * **Sec. 10.** AS 08.32.171(c) is amended to read:

27 (c) The board may summarily suspend the license of a licensee who refuses to
 28 submit to a physical or mental examination under AS 08.36.070(b)(1). A person
 29 whose license is suspended under this section is entitled to a hearing **conducted** by the
 30 **office of administrative hearings (AS 44.21.510)** [BOARD] within seven days after
 31 the effective date of the order. If, after a hearing, the board upholds the suspension,

1 the licensee may appeal the suspension to a court of competent jurisdiction.

2 * **Sec. 11.** AS 08.36.320(c) is amended to read:

3 (c) The board may summarily suspend the license of a licensee who refuses to
4 submit to a physical or mental examination under AS 08.36.070(b)(1). A person
5 whose license is suspended under this section is entitled to a hearing **conducted** by the
6 **office of administrative hearings (AS 44.21.510)** [BOARD] within seven days after
7 the effective date of the order. If, after a hearing, the board upholds the suspension,
8 the licensee may appeal the suspension to a court of competent jurisdiction.

9 * **Sec. 12.** AS 08.40.170(f) is amended to read:

10 (f) The department may summarily suspend a license before a final hearing is
11 held or during an appeal if the department finds that the licensee poses a clear and
12 immediate danger to the public health and safety. A person is entitled to a hearing
13 **conducted by** [BEFORE] the **office of administrative hearings (AS 44.21.510)**
14 [DEPARTMENT] to appeal the summary suspension within seven days after the order
15 of suspension is issued. A person may appeal an adverse decision of the department
16 on an appeal of a summary suspension to a court of competent jurisdiction.

17 * **Sec. 13.** AS 08.40.320(f) is amended to read:

18 (f) The department may summarily suspend a license before a final hearing is
19 held or during an appeal if the department finds that the licensee poses a clear and
20 immediate danger to the public health and safety. A person is entitled to a hearing
21 **conducted by** [BEFORE] the **office of administrative hearings (AS 44.21.510)**
22 [DEPARTMENT] to appeal the summary suspension within seven days after the order
23 of suspension is issued. A person may appeal an adverse decision of the department
24 on an appeal of a summary suspension to a court of competent jurisdiction.

25 * **Sec. 14.** AS 08.45.070(c) is amended to read:

26 (c) The division may summarily suspend a license before final hearing or
27 during the appeals process if the division finds that the licensee poses a clear and
28 immediate danger to the public health and safety if the licensee continues to practice.
29 A licensee whose license is suspended under this section is entitled to a hearing
30 **conducted** by the **office of administrative hearings (AS 44.21.510) not** [DIVISION
31 NO] later than seven days after the effective date of the order. The licensee may

1 appeal the suspension after a hearing to a court of competent jurisdiction.

2 * **Sec. 15.** AS 08.54.710(i) is amended to read:

3 (i) The department may summarily suspend a licensee from practice of the
4 profession under this chapter, for a period of not more than 30 days, before a final
5 hearing is held or during an appeal if the department finds that the licensee poses a
6 clear and immediate danger to the public health and safety. A person is entitled to a
7 hearing **conducted by** [BEFORE] the **office of administrative hearings**
8 **(AS 44.21.510)** [DEPARTMENT] to appeal the summary suspension within seven
9 days after the order of suspension is issued. A person may appeal an adverse decision
10 of the department on an appeal of summary suspension to a court of competent
11 jurisdiction.

12 * **Sec. 16.** AS 08.55.140(c) is amended to read:

13 (c) The department may summarily suspend a license before final hearing or
14 during the appeals process if the department finds that the licensee poses a clear and
15 immediate danger to the public welfare and safety if the licensee continues to practice.
16 A person whose license is suspended under this subsection is entitled to a hearing
17 **conducted** by the **office of administrative hearings (AS 44.21.510)** **not**
18 [DEPARTMENT NO] later than seven days after the effective date of the order. The
19 person may appeal the suspension after the hearing to the superior court.

20 * **Sec. 17.** AS 08.62.046(c) is amended to read:

21 (c) The master, owner, operator, or agent of the master, owner, or operator, of
22 a vessel required to employ a pilot under this chapter may object to the proposed rate
23 for a specific pilotage service by filing a written notice of objection, containing the
24 grounds for the objection and relevant evidence demonstrating that the rate is not
25 reasonable, with the board within 60 days after the final date of publication of the
26 proposed rate in a newspaper of general circulation. The pilot organization that
27 proposed the rate has until 15 days after the close of the period for filing objections to
28 the proposed rate to provide its written response to the notice of objection and relevant
29 evidence demonstrating that the rate is reasonable. If the pilot organization does not
30 respond to the notice of objection by the close of the 15-day period for response to the
31 objection, the board may not take action on the proposed rate and the proposed rate

1 does not take effect. If the pilot organization does respond to the notice of objection
 2 before the close of the response period, the board shall **request that the office of**
 3 **administrative hearings (AS 44.21.510)** hold a hearing to determine whether the
 4 proposed rate is reasonable. **If, after the hearing,** the board finds that the proposed
 5 rate is reasonable, the rate is approved and takes effect retroactive to January 1 of the
 6 calendar year in which the rate would have taken effect under (b) of this section if no
 7 objection had been filed. If the board finds that the proposed rate is not reasonable,
 8 the proposed rate is disapproved and does not take effect. In determining what
 9 constitutes a reasonable rate, the board shall consider the following factors:

10 (1) current and historical rates charged for comparable pilotage
 11 services;

12 (2) the actual time aboard the vessel, time engaged in preparing to
 13 provide the pilotage services, seasonal and weather conditions, and risks;

14 (3) the reasonable expenses incurred in providing the pilotage services
 15 such as dispatch, transportation, overhead, and other associated expenses;

16 (4) the financial effect of pilotage expenses on the owner of the vessel,
 17 except that this factor shall only be considered if the owner provides all financial
 18 information that the board determines is necessary to determine the financial effect;

19 (5) the number of vessels and volume of pilotage services at issue in
 20 the dispute and the number of members of the pilot organization;

21 (6) the effect of the determination on the income of affected pilots
 22 relative to prior years, taking into account changes in vessel tonnage and vessel traffic
 23 in the pilotage region from year-to-year;

24 (7) prior determinations under this subsection; and

25 (8) other factors the board considers relevant.

26 * **Sec. 18.** AS 08.64.331(c) is amended to read:

27 (c) The board may summarily suspend a license before final hearing or during
 28 the appeals process if the board finds that the licensee poses a clear and immediate
 29 danger to the public health and safety if the licensee continues to practice. A person
 30 whose license is suspended under this section is entitled to a hearing **conducted** by the
 31 **office of administrative hearings (AS 44.21.510) not** [BOARD NO] later than seven

1 days after the effective date of the order and the person may appeal the suspension
2 after a hearing to a court of competent jurisdiction.

3 * **Sec. 19.** AS 08.65.120(c) is amended to read:

4 (c) The board may summarily suspend a license before final hearing or during
5 the appeals process if the board finds that the licensee poses a clear and immediate
6 danger to the public health and safety if the licensee continues to practice. A person
7 whose license is suspended under this section is entitled to a hearing **conducted** by the
8 **office of administrative hearings (AS 44.21.510) not** [BOARD NO] later than seven
9 days after the effective date of the order and the person may appeal the suspension
10 after a hearing to a court of competent jurisdiction.

11 * **Sec. 20.** AS 08.68.275(c) is amended to read:

12 (c) The board may summarily suspend a license before final hearing or during
13 the appeals process if the board finds that the licensee poses a clear and immediate
14 danger to the public health and safety. A person whose license is suspended under this
15 section is entitled to a hearing **conducted** by the **office of administrative hearings**
16 **(AS 44.21.510)** [BOARD] within seven days after the effective date of the order. If,
17 after a hearing, the board upholds the suspension, the licensee may appeal the
18 suspension to a court of competent jurisdiction.

19 * **Sec. 21.** AS 08.86.204(b) is amended to read:

20 (b) The board may summarily suspend the license of a licensee who refuses to
21 submit to a physical or mental examination under AS 08.86.075. A person whose
22 license is suspended under this subsection is entitled to a hearing **conducted** by the
23 **office of administrative hearings (AS 44.21.510)** [BOARD] within seven days after
24 the effective date of the order. If, after **the** [A] hearing, the board upholds the
25 suspension, the licensee may appeal the suspension to a court of competent
26 jurisdiction.

27 * **Sec. 22.** AS 08.88.037(b) is amended to read:

28 (b) If it appears to the department that a person has engaged in or is about to
29 engage in an act or practice in violation of a provision of this chapter or a regulation
30 adopted under it and that action is warranted in the public interest, the department
31 shall notify all commission members by telephone, telegraph, or facsimile of a

1 proposed order or action, and, if a majority of the members of the commission
2 approve, the department may

3 (1) after reasonable notice of and an opportunity for a hearing is given
4 to the person, issue an order directing the person to stop the act or practice; the
5 department may issue a temporary order before a hearing is held; a temporary order
6 remains in effect until a final order affirming, modifying, or reversing the temporary
7 order is issued or until 15 days have elapsed after the person receives the notice and
8 has not requested a hearing; a temporary order becomes final if the person to whom
9 the notice is addressed does not request a hearing within 15 days after receiving the
10 notice; if a hearing is requested, a hearing shall be conducted by a hearing officer
11 **from the office of administrative hearings (AS 44.21.510)** within 30 days; the
12 commission shall issue a final order within 10 days after the hearing;

13 (2) bring an action in superior court to enjoin the act or practice and to
14 enforce compliance with this chapter, a regulation adopted under it, or an order issued
15 under it;

16 (3) examine or have examined the books and records of a person
17 whose business activities require licensure under this chapter and the department may
18 require the person to pay the reasonable costs of the examination; and

19 (4) issue subpoenas for the attendance of witnesses, and the production
20 of books, records, and other documents.

21 * **Sec. 23.** AS 08.88.460(b) is amended to read:

22 (b) A copy of a claim filed with the commission under (a) of this section shall
23 be sent to each real estate licensee alleged to have committed the misconduct resulting
24 in losses, to the principal real estate broker employing a licensee alleged to have
25 committed the conduct resulting in losses, and to any other real estate licensee
26 involved in the transaction at least 20 days before any hearing held on the claim by the
27 **office of administrative hearings (AS 44.21.510)** [COMMISSION].

28 * **Sec. 24.** AS 08.88.460(d) is amended to read:

29 (d) A claimant under this section shall pay a filing fee of \$250 to the
30 commission at the time the claim is filed. The filing fee shall be refunded if **the**

31 (1) [THE] commission makes an award to the claimant from the real

1 estate surety fund;

2 (2) [THE] claim is dismissed under (c) of this section; or

3 (3) [THE] claim is withdrawn by the claimant before the **office of**
 4 **administrative hearings (AS 44.21.510)** [COMMISSION] holds a hearing on the
 5 claim.

6 * **Sec. 25.** AS 08.88.472(c) is amended to read:

7 (c) The commission may contract under AS 36.30 (State Procurement Code)
 8 with a person for the person to perform [HEARING AND] legal services for the
 9 commission with regard to a claim against the real estate surety fund **filed in court.**
 10 The contract may cover one or more claims.

11 * **Sec. 26.** AS 08.92.040(c) is amended to read:

12 (c) If the department determines that a person is acting as a promoter in
 13 violation of this chapter, the department may order the person to stop the violation.
 14 Upon receipt of the order, the person affected has the right to be heard and to present
 15 proof to the **hearing officer from the office of administrative hearings**
 16 **(AS 44.21.510)** [DEPARTMENT] that the violation has not occurred. **Upon** [IN THE
 17 DEPARTMENT'S DISCRETION OR UPON] application made by the recipient of the
 18 order, the **office of administrative hearings may** [DEPARTMENT SHALL]
 19 schedule a hearing at the earliest possible time. After the hearing the department may
 20 affirm, modify, or set aside the order.

21 * **Sec. 27.** AS 10.06.633(b) is amended to read:

22 (b) A corporation may not be dissolved under this section unless the
 23 commissioner has given the corporation written notice of its delinquency, failure, or
 24 noncompliance by mail as provided by (i) of this section. If the corporation fails,
 25 within 60 days after the requirements of (i) of this section have been satisfied, to
 26 contest the alleged neglect, omission, delinquency, or noncompliance by a written
 27 request for a hearing **conducted by** [BEFORE] the **office of administrative hearings**
 28 **(AS 44.21.510)** [COMMISSIONER] or fails to correct the asserted neglect, omission,
 29 delinquency, or noncompliance, it may be dissolved under (d) of this section.

30 * **Sec. 28.** AS 10.06.865 is amended to read:

31 **Sec. 10.06.865. Cancellation of certificates issued and filings accepted.**

1 The commissioner may, within one year after a filing, and after written notice to the
 2 corporation or individual making the filing, cancel a certificate issued or filing
 3 accepted under this chapter, on any ground existing at the time of issuance or filing for
 4 which the commissioner could have originally refused to issue the certificate or accept
 5 the filing. The notice of cancellation must state the reason for the cancellation. A
 6 corporation or individual may request a hearing **conducted by** [BEFORE] the **office**
 7 **of administrative hearings (AS 44.21.510)** [COMMISSIONER] within 90 days after
 8 receipt of the notice. Cancellation becomes final if the corporation or individual does
 9 not request a hearing within 90 days after receipt of notice. Notice of cancellation
 10 shall be sent by certified mail with return receipt requested. If the return receipt is not
 11 received by the department within a reasonable time and the department has made
 12 diligent inquiry as to the address of the corporation, notice may be made by
 13 publication in a newspaper of general circulation in the vicinity of the registered office
 14 of the corporation or the address of the individual who made the filing, and the
 15 cancellation becomes final 60 days after publication of the notice if the person or
 16 corporation does not request a hearing.

17 * **Sec. 29.** AS 10.13.770(b) is amended to read:

18 (b) If the department fails to **promptly notify the office of administrative**
 19 **hearings (AS 44.21.510) of the application and the office fails to** begin a hearing
 20 within 15 business days after the application is filed or within a longer period to which
 21 the licensee or subject person consents, the order shall be considered rescinded.

22 * **Sec. 30.** AS 10.13.860 is amended by adding a new subsection to read:

23 (b) Administrative hearings under this chapter shall be conducted by the office
 24 of administrative hearings (AS 44.21.510).

25 * **Sec. 31.** AS 10.25.375 is amended to read:

26 **Sec. 10.25.375. Cancellation of certificates issued and filings accepted.**

27 The commissioner may, within one year after a filing, and after written notice to the
 28 cooperative or individual making a filing, cancel a certificate issued or filing accepted
 29 under this chapter, on any ground existing at the time notice of cancellation is made
 30 for which the commissioner could have originally refused to issue the certificate or
 31 accept the filing. The notice of cancellation must state the reason for the proposed

1 cancellation. A cooperative or individual may request a hearing within 90 days after
2 receipt of the notice. The notice of cancellation becomes final if the cooperative or
3 individual does not request a hearing within 90 days after receipt of notice. Notice of
4 cancellation must be sent by certified mail with return receipt requested. If the return
5 receipt is not received by the department within a reasonable time and the department
6 has made diligent inquiry as to the current address of the corporation, notice may be
7 made by publication in a newspaper of general circulation in the vicinity of the
8 registered office of the cooperative or the address of the individual who made the
9 filing, and the cancellation becomes final 60 days after publication of the notice. **If a**
10 **hearing is requested, the hearing shall be conducted by the office of**
11 **administrative hearings (AS 44.21.510).**

12 * **Sec. 32.** AS 10.50.408(c) is amended to read:

13 (c) If, following a hearing **conducted by the office of administrative**
14 **hearings (AS 44.21.510)**, the commissioner determines the presence of the
15 delinquency, failure, or misrepresentation providing grounds for involuntary
16 dissolution under this section, the company may appeal to the superior court. The
17 court shall either sustain the commissioner or direct the commissioner to take action
18 the court considers proper.

19 * **Sec. 33.** AS 14.11.016(b) is amended to read:

20 (b) A district may appeal an adverse decision of the department under (a) of
21 this section by filing a written notice of appeal with the commissioner within 15 days
22 after the date of the department's decision. The notice of appeal must state the legal
23 and factual basis for the appeal and the precise relief sought. The failure of the district
24 to include an issue in a notice of appeal constitutes a waiver of the right to have the
25 issue considered. Not later than 10 days after receipt **by the commissioner** of a notice
26 of appeal, the **chief administrative hearing officer of the office of administrative**
27 **hearings (AS 44.21.510)** [COMMISSIONER] shall appoint a hearing officer who is
28 qualified under AS 44.62.350(c) to consider the appeal. If the hearing officer finds
29 that the notice of appeal does not raise a reasonable issue of fact or law, the hearing
30 officer shall issue a written decision denying the appeal. Denial of an appeal by a
31 hearing officer is a final decision that may be appealed under (d) of this section. If the

1 hearing officer finds that the notice of appeal raises a reasonable issue of fact or law,
 2 the hearing officer shall conduct a hearing on those issues and recommend a decision
 3 to the board. The hearing officer shall issue a decision on the appeal not later than 60
 4 days after being appointed. The board shall consider the recommended decision of the
 5 hearing officer at its next regularly scheduled meeting and may adopt all, part, or none
 6 of the recommended decision or may remand the issue to the hearing officer for
 7 further hearings. The board shall issue its decision in writing within 10 days after
 8 consideration of the hearing officer's decision.

9 * **Sec. 34.** AS 14.18.090(a) is amended to read:

10 (a) The board shall enforce compliance by school districts and regional
 11 educational attendance areas with the provisions of this chapter and the regulations
 12 and procedures adopted under it by appropriate order made in accordance with
 13 AS 44.62. After a hearing **conducted by the office of administrative hearings**
 14 **(AS 44.21.510)** and a finding **by the board** that a district or a regional educational
 15 attendance area is not in compliance with this chapter and is not actively working to
 16 come into compliance, the board shall institute appropriate proceedings to abate the
 17 practices found by the board to be a violation of this chapter.

18 * **Sec. 35.** AS 14.20.040 is amended by adding a new subsection to read:

19 (b) Hearings under AS 14.20.030 shall be conducted by the office of
 20 administrative hearings (AS 44.21.510).

21 * **Sec. 36.** AS 14.25.037(b) is amended to read:

22 (b) In the conduct of a hearing under this chapter, the **hearing officer from**
 23 **the office of administrative hearings (AS 44.21.510)** [BOARD] may issue
 24 subpoenas, administer oaths, compel the attendance and testimony of witnesses,
 25 compel the taking of depositions and the submission of affidavits, and compel the
 26 production of documents and records. The **hearing officer's** [BOARD'S] powers
 27 under this subsection do not extend to prehearing discovery. However, upon good
 28 cause shown, the **hearing officer** [BOARD] may permit the preservation of witness
 29 testimony if the **hearing officer** [BOARD] cannot successfully compel the witness to
 30 attend a hearing. The board may authorize hearing officers to [CONDUCT
 31 HEARINGS UNDER THIS CHAPTER AND] issue **binding** decisions. **A binding** [;

1 THE] decision of a hearing officer may be appealed to the board. The board shall
 2 adopt procedures for appeals from a hearing officer's **binding** decision.

3 * **Sec. 37.** AS 14.30.193(b) is amended to read:

4 (b) If a due process hearing is requested by either a school district or a parent,
 5 the school district shall contact the **office of administrative hearings (AS 44.21.510)**
 6 [DEPARTMENT] to request appointment of a hearing officer. The **chief**
 7 **administrative hearing officer** [DEPARTMENT] shall select a hearing officer
 8 through a random selection process, from a list maintained by the **office**
 9 [DEPARTMENT] under (g) of this section. Within five working days after receipt of
 10 the request, the **chief administrative hearing officer** [DEPARTMENT] shall provide
 11 to the school district and the parent a notice of appointment, including the name and a
 12 statement of qualifications, of the hearing officer that [THE DEPARTMENT
 13 DETERMINES] is available to conduct the hearing.

14 * **Sec. 38.** AS 14.30.193(c) is amended to read:

15 (c) The school district and the parent each have the right to reject, without
 16 stating a reason, one hearing officer appointed under this section. The rejecting party
 17 shall notify the **office of administrative hearings** [DEPARTMENT] of that rejection
 18 in writing within five days after receipt of the [DEPARTMENT'S] notice of
 19 appointment. If a hearing officer is rejected under this subsection, the **chief**
 20 **administrative hearing officer** [DEPARTMENT] shall, within five working days
 21 after receipt of the written rejection, provide a notice of appointment, including the
 22 name and a statement of qualifications, of another hearing officer that [THE
 23 DEPARTMENT DETERMINES] is available to conduct the hearing. Each
 24 appointment is subject to a right of rejection under this subsection by a party who has
 25 not previously rejected an appointment.

26 * **Sec. 39.** AS 14.30.193(g) is amended to read:

27 (g) The **office of administrative hearings** [DEPARTMENT] shall maintain a
 28 list of qualified hearing officers and shall provide for qualification of hearing officers
 29 through a training program that is open to all individuals who meet the criteria set by
 30 the **office** [DEPARTMENT] by regulation. The list of qualified hearing officers shall
 31 be maintained as a public record.

1 * **Sec. 40.** AS 14.37.060(b) is amended to read:

2 (b) A prospective licensee who was denied licensure may appeal the
3 department's decision by requesting a hearing **conducted by the office of**
4 **administrative hearings (AS 44.21.510)**, on the form provided by the department,
5 within 15 days after receipt of the notice of denial of licensure.

6 * **Sec. 41.** AS 14.37.130(g) is amended to read:

7 (g) An applicant whose application is denied may appeal the department's
8 decision, on the form provided by the department, by requesting a hearing **conducted**
9 **by the office of administrative hearings (AS 44.21.510)** within 15 days after receipt
10 of the notice of denial of application.

11 * **Sec. 42.** AS 14.37.170(d) is amended to read:

12 (d) A licensee or other person to whom a notice has been provided under (a)
13 or (c) of this section may appeal the department's decision to impose an enforcement
14 action described in (a) or (b)(2) - (8) of this section by filing a written request for a
15 hearing **conducted by the office of administrative hearings (AS 44.21.510)**, on the
16 form provided by the department, within 15 days after receipt of the notice of
17 enforcement action.

18 * **Sec. 43.** AS 14.48.130(b) is amended to read:

19 (b) The commission shall investigate the complaint and may attempt to effect
20 a settlement by persuasion and conciliation. A [THE COMMISSION MAY
21 CONSIDER A] complaint **may be considered** after 30 **days'** [DAYS] written notice
22 by registered mail to the institution or agent, or both, giving notice of a time and place
23 for hearing on the complaint. The hearing shall be conducted in accordance with
24 AS 44.62 (Administrative Procedure Act) **by the office of administrative hearings**
25 **(AS 44.21.510)**.

26 * **Sec. 44.** AS 17.20.060 is amended to read:

27 **Sec. 17.20.060. Suspension and reinstatement of emergency permit.** The
28 commissioner may suspend immediately upon notice a permit issued under
29 AS 17.20.050 if it is found that the conditions of the permit have been violated. The
30 holder of a suspended permit may apply for the reinstatement of the permit, and the
31 commissioner, immediately after prompt hearing **conducted by the office of**

1 **administrative hearings (AS 44.21.510)** and an inspection of the establishment, shall
 2 reinstate the permit if it is found that adequate measures have been taken to comply
 3 with and maintain the conditions of the permit as originally issued or as amended.

4 * **Sec. 45.** AS 17.20.120 is amended to read:

5 **Sec. 17.20.120. Application for sale of new drugs.** The application provided
 6 for in AS 17.20.110 is effective on the 60th day after the filing of it. If the
 7 commissioner finds, after notice to the applicant and providing an opportunity for a
 8 hearing **conducted by the office of administrative hearings (AS 44.21.510)**, that the
 9 drug is not safe for use under the conditions prescribed, recommended, or suggested in
 10 the proposed labeling, the commissioner shall, before the effective date of the
 11 application, issue an order refusing to permit the application to become effective. An
 12 order refusing an application to become effective may be revoked by the
 13 commissioner.

14 * **Sec. 46.** AS 17.20.360 is amended to read:

15 **Sec. 17.20.360. Attorney general to prosecute; hearing before report of**
 16 **criminal violation.** The attorney general, to whom the commissioner of
 17 environmental conservation or the commissioner of health and social services, as the
 18 case may be, reports a violation of this chapter, shall institute appropriate proceedings
 19 in the superior court without delay and prosecute them in the manner required by law.
 20 Before a violation of this chapter is reported to the attorney general, the person against
 21 whom the proceeding is contemplated shall be given appropriate notice and an
 22 opportunity to respond to the appropriate commissioner **in a hearing conducted by**
 23 **the office of administrative hearings (AS 44.21.510)**, orally or in writing, in person
 24 or by attorney, with regard to the contemplated proceeding.

25 * **Sec. 47.** AS 18.07.071 is amended by adding a new subsection to read:

26 (d) A hearing under this section shall be conducted by the office of
 27 administrative hearings (AS 44.21.510).

28 * **Sec. 48.** AS 18.07.081(a) is amended to read:

29 (a) The department, a member of the public who is substantially affected by
 30 activities authorized by the certificate, or another applicant for a certificate of need
 31 may initiate a hearing to obtain modification, suspension, or revocation of an existing

1 certificate of need by filing an accusation with the commissioner as prescribed under
 2 AS 44.62.360. A revocation, modification, or suspension of an outstanding certificate
 3 may not be undertaken unless it is in accordance with AS 44.62.330 - 44.62.630. A
 4 hearing under this subsection shall be conducted by the office of administrative
 5 hearings (AS 44.21.510).

6 * **Sec. 49.** AS 18.18.030(b) is amended to read:

7 (b) The department may, without a hearing, summarily suspend a license of a
 8 hospice program if it finds that the actions or deficiencies of the program have caused,
 9 or present an immediate threat of causing, serious injury to a hospice program client.
 10 A licensee is entitled to a hearing conducted by the office of administrative
 11 hearings (AS 44.21.510) [BEFORE THE DEPARTMENT] to appeal the summary
 12 suspension within seven days after the order of suspension is issued. A licensee may
 13 appeal an adverse decision of the department on an appeal of a summary suspension to
 14 the superior court. A summary suspension remains in effect until the department finds
 15 that the actions or deficiencies are corrected, the license is revoked, or the licensee is
 16 successful in appealing the suspension.

17 * **Sec. 50.** AS 18.18.030(c) is amended to read:

18 (c) The department may, without a hearing, reduce a hospice license to a
 19 provisional license for a period of time established by the department if the department
 20 finds that the licensee is temporarily unable to comply with 18.18.005 - 18.18.390 or
 21 is in the process of becoming decertified under the Medicare program but is taking
 22 appropriate steps to bring the program into compliance with 18.18.005 - 18.18.390 or
 23 Medicare certification requirements. A licensee is entitled to a hearing conducted by
 24 the office of administrative hearings [BEFORE THE DEPARTMENT] to appeal a
 25 reduction to a provisional license under this subsection within seven days after the
 26 order to reduce the license is issued. A licensee may appeal an adverse decision of the
 27 department on an appeal of the order reducing the license to a provisional license to
 28 the superior court. A program with a provisional license under this subsection may
 29 not accept new clients. If the program fails to correct its deficiencies and does not
 30 successfully appeal the order reducing the license to provisional status within the
 31 period stipulated in the provisional license, the department shall revoke the license.

1 * **Sec. 51.** AS 18.20.180 is amended to read:

2 **Sec. 18.20.180. Approval of applications.** The commissioner of the
3 department shall give every applicant an opportunity for a fair hearing **conducted by**
4 **the office of administrative hearings (AS 44.21.510)**. If, after giving reasonable
5 opportunity for development and presentation of applications in the order of relative
6 need, the commissioner of the department finds that a project application complies
7 with the requirements of AS 18.20.170 and conforms with the state plan, the
8 commissioner shall approve and recommend the application and forward it to the
9 surgeon general.

10 * **Sec. 52.** AS 18.20.330(a) is amended to read:

11 (a) Notwithstanding AS 44.62.330 - 44.62.630, the department, by regulation,
12 shall establish a hearing procedure by which a nursing facility may present evidence to
13 refute a deficiency found by the department, and by which it may appeal a sanction
14 imposed by order of the department under AS 18.20.310. A request for a hearing shall
15 be made in writing within 10 days after service of the department's order on the
16 nursing facility. Except for an order that takes effect immediately under
17 AS 18.20.310(b)(1), a request under this subsection has the effect of staying the
18 department's order until the hearing is concluded and the department makes a final
19 determination. **The hearing shall be conducted by the office of administrative**
20 **hearings (AS 44.21.510)**.

21 * **Sec. 53.** AS 18.55.790 is amended to read:

22 **Sec. 18.55.790. Pleadings and hearing.** The complaint must contain a notice
23 of a hearing **conducted by the office of administrative hearings (AS 44.21.510)**
24 [BEFORE THE CORPORATION OR DESIGNATED AGENT] and the time and
25 place fixed for the hearing. The hearing shall be not less than 10 days nor more than
26 30 days after the service of the complaint. The complaint must state that the parties in
27 interest may file an answer to the complaint, appear, and give testimony at the place
28 and time fixed in the complaint.

29 * **Sec. 54.** AS 18.60.093(f) is amended to read:

30 (f) If an employer fails without good cause to appear at a hearing held under
31 this section after receiving proper notice of the hearing, the OSHA Review Board may

1 order the employer to pay all reasonable expenses incurred by the board **or the office**
 2 **of administrative hearings (AS 44.21.510)** for the hearing, including the board's
 3 actual travel expenses and per diem **and actual travel expenses and per diem for the**
 4 **hearing officer.**

5 * **Sec. 55.** AS 18.67.040(a) is amended to read:

6 (a) Upon application made under the provisions of this chapter, the board shall
 7 consider the application and rule on it. The board may, upon its own motion, order a
 8 hearing, specifying the time and place it is to be held **after consulting with the office**
 9 **of administrative hearings (AS 44.21.510).** **If** [; IF] a hearing is ordered, the board
 10 shall give notice to the applicant. If, after consideration without a hearing, the
 11 decision is unfavorable to the applicant, in whole or in part, the board shall furnish the
 12 applicant a written statement of the reason for the ruling. If, within 30 days after
 13 receipt of this statement, the applicant requests a hearing on the application, the board
 14 shall specify a time and place for a hearing **after consulting with the office of**
 15 **administrative hearings,** and shall give notice to the applicant. If a request for a
 16 hearing is not made within the specified time, the decision of the board is final.

17 * **Sec. 56.** AS 18.67.040(b) is amended to read:

18 (b) For the purpose of carrying out the provisions of this chapter, the **office of**
 19 **administrative hearings (AS 44.21.510) shall** [BOARD OR ITS HEARING
 20 OFFICER MAY] hold the hearings, sit and act at the times and places, and take the
 21 testimony that the [BOARD OR THE] hearing officer considers advisable. The
 22 [BOARD OR ITS] hearing officer may administer oaths or affirmations to witnesses.
 23 The **hearing officer** [BOARD] has full powers of subpoena and compulsion of
 24 attendance of witnesses and production of documents, but a subpoena may not be
 25 issued except under the signature of a member of the board. Application to a court for
 26 aid in enforcing the subpoena may be made in the name of the board only by a board
 27 member. Subpoenas are served by any person designated by the **hearing officer or**
 28 **the** board.

29 * **Sec. 57.** AS 18.67.040(c) is amended to read:

30 (c) The applicant and any other person having a substantial interest in a
 31 proceeding may appear and be heard, produce evidence, and cross-examine witnesses

1 in person or by an attorney. The [BOARD OR ITS] hearing officer also may hear
 2 other persons who, in the judgment of the [BOARD OR THE] hearing officer, may
 3 have relevant evidence to submit.

4 * **Sec. 58.** AS 18.80.060(c) is amended to read:

5 (c) A commissioner or an employee authorized by the commission may
 6 administer oaths, certify to all official acts, and issue subpoenas, subpoenas duces
 7 tecum, and other process to compel the attendance of witnesses and the production of
 8 testimony, records, papers, accounts, and documents in any inquiry or [,] investigation
 9 [, HEARING, OR PROCEEDING] before the commission in the state. **The hearing**
 10 **officer of the office of administrative hearings (AS 44.21.510) may administer**
 11 **oaths, certify to all official acts, and issue subpoenas, subpoenas duces tecum, and**
 12 **other process to compel the attendance of witnesses and the production of**
 13 **testimony, records, papers, accounts, and documents in any hearing held under**
 14 **this chapter.** The commission, a commissioner, or an employee authorized by the
 15 commission may petition a court of this state to enforce its subpoenas, subpoenas
 16 duces tecum, and other process. **The hearing officer may petition a court of this**
 17 **state to enforce subpoenas, subpoenas duces tecum, and other process issued by**
 18 **the hearing officer.**

19 * **Sec. 59.** AS 18.80.120 is amended to read:

20 **Sec. 18.80.120. Hearing.** If the informal efforts to eliminate the alleged
 21 discrimination are unsuccessful, the executive director shall inform the commission of
 22 the failure, and the commission shall provide the respondent and the complainant with
 23 notice of the failure and shall serve written notice, together with a copy of the
 24 complaint, requiring the person, employer, labor organization, or employment agency
 25 charged in the complaint to answer the allegations of the complaint at a hearing
 26 [BEFORE THE COMMISSION]. The hearing shall be held by the **office of**
 27 **administrative hearings (AS 44.21.510)** [COMMISSION] at the **location of the**
 28 [COMMISSION] office unless a party requests a change of venue for good cause
 29 shown, and the **office** [COMMISSION] grants the request. The case in support of the
 30 complaint shall be presented before the **office** [COMMISSION] by the executive
 31 director **of the commission** or a designee who shall be a bona fide resident of the

1 state. The person charged in the complaint may file a written answer to the complaint
 2 and may appear at the hearing in person or otherwise, with or without counsel, and
 3 submit testimony. The executive director has the power reasonably and fairly to
 4 amend the complaint, and the person charged has the power reasonably and fairly to
 5 amend the answer. The **office of administrative hearings** [COMMISSION] is not
 6 bound by the strict rules of evidence prevailing in courts of law or equity. The
 7 testimony taken at the hearing shall be under oath and shall be recorded.

8 * **Sec. 60.** AS 18.80.145(b) is amended to read:

9 (b) If, within the period allowed, [THE COMMISSION CONDUCTS] a
 10 hearing **is conducted** and [REACHES] a decision **is reached** under AS 18.80.120 and
 11 18.80.130, the decision of the commission is binding on the parties to the court action
 12 as to all issues resolved in the hearing but not as to any issues not resolved in the
 13 hearing.

14 * **Sec. 61.** AS 18.80.145(c) is amended to read:

15 (c) When proceedings in the superior court are deferred for a hearing and
 16 decision [BY THE COMMISSION] under this section, the plaintiff may proceed, after
 17 the decision of the commission, as an aggrieved party for the purpose of obtaining
 18 judicial review under AS 18.80.135, whether or not the person was a party to, or
 19 complainant in, the **administrative** [COMMISSION] proceedings.

20 * **Sec. 62.** AS 21.06.170(a) is amended to read:

21 (a) With respect to the subject of an examination **or** [,] investigation [, OR
 22 HEARING] being conducted by the director or an examiner, if general written
 23 authority has been given the examiner by the director, the director or the examiner
 24 may subpoena witnesses and administer oaths or affirmations and examine any person
 25 under oath, and may compel the production of records, books, papers, contracts, and
 26 other documents by attachments, if necessary. If, in connection with an examination
 27 of an insurer, the director desires to examine an officer, director, or manager who is
 28 then outside this state, the director is authorized to conduct and to enforce by
 29 appropriate and available means an examination under oath in another state or a
 30 territory of the United States in which the officer, director, or manager may then
 31 presently be, to the full extent permitted by the laws of the other state or territory, this

1 special authorization considered. A hearing officer from the office of
 2 administrative hearings (AS 44.21.510) conducting a hearing under this title may,
 3 in the course of the hearing, exercise the powers granted to the director under
 4 this subsection.

5 * **Sec. 63.** AS 21.06.170(d) is amended to read:

6 (d) If a person disobeys or resists a lawful order of the hearing officer
 7 [DIRECTOR], refuses to respond to a subpoena, refuses to take oath or affirmation as
 8 a witness, refuses to be examined, or is guilty of misconduct at a hearing or so near the
 9 hearing as to obstruct the proceeding, the hearing officer [DIRECTOR] shall certify
 10 the facts to the superior court where the hearing is held, and, upon certification, the
 11 court shall issue an order directing the person to appear before the court and show
 12 cause why the person should not be punished for contempt.

13 * **Sec. 64.** AS 21.06.180(a) is amended to read:

14 (a) The office of administrative hearings (AS 44.21.510) [DIRECTOR] may
 15 hold hearings for any purpose within the scope of this title considered to be necessary
 16 by the director.

17 * **Sec. 65.** AS 21.06.180(b) is amended to read:

18 (b) The office of administrative hearings (AS 44.21.510) [DIRECTOR] shall
 19 hold a hearing if required by a provision of this title, or upon written demand to the
 20 director by a person aggrieved by an act, threatened act, or failure of the director to
 21 act, or by a report, regulation, or order of the director (other than an order for the
 22 holding of a hearing, or an order on hearing or under it). A demand must specify the
 23 grounds to be relied upon at the hearing as a basis for the relief. Unless postponed by
 24 mutual consent or for good cause shown, the hearing shall be held within 30 days after
 25 receipt by the director of the written demand.

26 * **Sec. 66.** AS 21.06.200 is amended to read:

27 **Sec. 21.06.200. Notice of hearing.** Not less than 20 days in advance, the
 28 hearing officer [DIRECTOR] shall give notice of the time and place of the hearing,
 29 stating the matters to be considered at the hearing. If the persons to be given notice are
 30 not specified in the provision under which the hearing is held, the hearing officer,
 31 with assistance from the director, shall give notice to all persons whose pecuniary

1 interests are to be directly and immediately affected by the hearing.

2 * **Sec. 67.** AS 21.06.210(a) is amended to read:

3 (a) The **hearing officer** [DIRECTOR] shall allow a party to the hearing to
4 appear in person and by counsel, to be present during the giving of all evidence, to
5 have a reasonable opportunity to inspect all documentary evidence and to examine
6 witnesses, to present evidence in support of the party's interest, and to have subpoenas
7 issued by the **hearing officer** [DIRECTOR] to compel attendance of witnesses and
8 production of evidence in the party's behalf.

9 * **Sec. 68.** AS 21.06.210(b) is amended to read:

10 (b) The **hearing officer** [DIRECTOR] shall permit to become a party to the
11 hearing by intervention, if timely, any person who was not an original party to the
12 proceeding and whose pecuniary interests are to be directly and immediately affected
13 by the director's order made upon the hearing.

14 * **Sec. 69.** AS 21.06.210(d) is amended to read:

15 (d) Upon written request seasonably made by a party to the hearing and at that
16 person's expense, the **hearing officer** [DIRECTOR] shall cause a full stenographic
17 record of the proceedings to be made by a competent reporter. If transcribed, a copy
18 of the stenographic record shall be furnished to the director, without cost to the
19 director or the state, and shall be a part of the director's record of the hearing. If
20 transcribed, a copy of the stenographic record shall be furnished to any other party to
21 the hearing at the request and expense of the other party. If no stenographic record is
22 made or transcribed, the **hearing officer** [DIRECTOR] shall prepare an adequate
23 record of the evidence and of the proceedings.

24 * **Sec. 70.** AS 21.06.210(f) is amended to read:

25 (f) If the parties agree, the **hearing officer** [DIRECTOR] may conduct a
26 hearing under this section by teleconference.

27 * **Sec. 71.** AS 21.06.210(h) is amended to read:

28 (h) The **hearing officer** [DIRECTOR] may close a hearing to the public when
29 the **hearing officer** [DIRECTOR] finds the closure is necessary to protect a person
30 against unwarranted injury or is in the public interest.

31 * **Sec. 72.** AS 21.06.220(a) is amended to read:

1 (a) In conducting the hearing, the **hearing officer** [DIRECTOR] shall sit in a
 2 quasi-judicial capacity. Within 30 days after termination of the hearing, rehearing, or
 3 reargument, the director shall make an order on hearing, covering matters involved in
 4 the hearing, rehearing, or reargument, and shall give a copy of the order to the same
 5 persons given notice of the hearing.

6 * **Sec. 73.** AS 24.60.030 is amended by adding a new subsection to read:

7 (i) Except for supplying information requested by the hearing officer or
 8 responding to contacts initiated by the hearing officer, a legislator or legislative
 9 employee may not attempt to influence the outcome of an administrative hearing
 10 conducted by the office of administrative hearings (AS 44.21.510) by directly or
 11 indirectly contacting or attempting to contact the hearing officer assigned to the
 12 hearing unless the

13 (1) contact is made in the presence of all parties to the hearing or the
 14 parties' representatives and the contact is made a part of the record; or

15 (2) fact and substance of the contact is promptly disclosed by the
 16 legislator or legislative employee to all parties to the hearing and the contact is made a
 17 part of the record.

18 * **Sec. 74.** AS 25.27.150(e) is amended to read:

19 (e) The **hearing officer from the office of administrative hearings**
 20 **(AS 44.21.510)** [CONFERENCE OFFICER] shall inform the obligor of the informal
 21 conference decision either at the informal conference hearing or within 15 days after
 22 the hearing.

23 * **Sec. 75.** AS 25.27.150(f) is amended to read:

24 (f) If the **hearing** [CONFERENCE] officer determines that withholding will
 25 continue, the obligor may request a formal hearing as provided in the department's
 26 regulations.

27 * **Sec. 76.** AS 25.27.160(b) is amended to read:

28 (b) Except as provided in (c) of this section, the notice and finding of financial
 29 responsibility served under (a) of this section must state

30 (1) the sum or periodic payments for which the alleged obligor is
 31 found to be responsible under this chapter;

1 (2) the name of the alleged obligee and the obligee's custodian;

2 (3) that the alleged obligor may appear and show cause in a hearing
3 held by the **office of administrative hearings (AS 44.21.510)** [AGENCY] why the
4 finding is incorrect, should not be finally ordered, and should be modified or
5 rescinded, because

6 (A) no duty of support is owed; or

7 (B) the amount of support found to be owed is incorrect;

8 (4) that, if the person served with the notice and finding of financial
9 responsibility does not request a hearing within 30 days, the property and income of
10 the person will be subject to execution under AS 25.27.062 and 25.27.230 - 25.27.270
11 in the amounts stated in the finding without further notice or hearing.

12 * **Sec. 77.** AS 25.27.160(c) is amended to read:

13 (c) If the agency is establishing only a medical support order, the notice and
14 finding of financial responsibility must state

15 (1) that health care insurance shall be provided for the child to whom
16 the duty of support is owed if health care insurance is available to the alleged obligor
17 at a reasonable cost and that the alleged obligor and the other parent shall share
18 equally the cost of the health care insurance and the costs of reasonable health care
19 expenses not covered by insurance;

20 (2) the name of the alleged obligee and the obligee's custodian;

21 (3) that the alleged obligor may appear and show cause in a hearing
22 held by the **office of administrative hearings** [AGENCY] why the finding is
23 incorrect, should not be finally ordered, and should be modified or rescinded, because

24 (A) no duty of support is owed;

25 (B) health care insurance for the child is not available to the
26 alleged obligor at a reasonable cost;

27 (C) adequate health care is available to the child through the
28 Indian Health Service or other insurance coverage; or

29 (D) there is good cause to allocate the costs of health insurance
30 or uninsured health care expenses unequally between the parents;

31 (4) that, if the person served with the notice under this subsection does

1 not request a hearing within 30 days, a copy of the medical support order will be sent
 2 to the person's employer under AS 25.27.063(b) without further notice or hearing for
 3 inclusion of the child in family health coverage if it is available through the person's
 4 employer.

5 * **Sec. 78.** AS 27.21.150(a) is amended to read:

6 (a) Within 30 days after an applicant is notified under AS 27.21.140(c) of the
 7 commissioner's decision concerning the application, the applicant or a person who is
 8 or may be adversely affected by the decision may request a hearing to review the
 9 reasons for the decision. The **office of administrative hearings (AS 44.21.510)**
 10 **[COMMISSIONER]** shall hold the hearing within 30 days after the request, and **the**
 11 **commissioner, after consulting with the office,** shall notify the interested parties of
 12 the hearing at the time the applicant is notified. AS 44.62 (Administrative Procedure
 13 Act) applies to a hearing under this section except as provided by regulations adopted
 14 under this chapter **and under AS 44.21.560.**

15 * **Sec. 79.** AS 27.21.150(c) is amended to read:

16 (c) The **hearing officer from the office of administrative hearings who is**
 17 **[PERSON]** presiding at the hearing may administer oaths, subpoena witnesses,
 18 subpoena written or printed materials, compel the attendance of witnesses or the
 19 production of materials, and take evidence including **[BUT NOT LIMITED TO]**
 20 evidence derived from site inspections of the land that will be affected by the permit or
 21 revision and other surface coal mining operations conducted by the applicant in the
 22 general vicinity of the operation proposed in the application. On the motion of a party
 23 or by order of the commissioner, a verbatim record of a hearing required by this
 24 chapter shall be made and a transcript made available.

25 * **Sec. 80.** AS 27.21.170(g) is amended to read:

26 (g) A person with a valid legal interest that might be adversely affected by
 27 release of a bond or deposit under this section or a federal, state, or municipal agency
 28 that has jurisdiction over an environmental, social, or economic impact involved in the
 29 permittee's operation or that has authority to develop and enforce environmental
 30 standards with respect to the permittee's operation, may, within 30 days after the last
 31 publication of notice required by (a) of this section, file written objections to the

1 request with the commissioner and may request a hearing. A permittee whose request
 2 for release of all or part of a bond or deposit is disapproved may request a hearing
 3 within 30 days after receipt of written notification of the disapproval under (e) of this
 4 section. If a hearing is requested, the commissioner shall, **after consulting the office**
 5 **of administrative hearings (AS 44.21.510)**, inform the interested parties of the time
 6 and place of the hearing, and **the office of administrative hearings** shall hold the
 7 hearing within 30 days after the request for the hearing. The commissioner shall
 8 publish the date, time, and location of the hearing in a newspaper of general
 9 circulation in the locality for two consecutive weeks. The **office of administrative**
 10 **hearings** [COMMISSIONER] shall conduct the public hearing and any appeal
 11 according to the AS 44.62 (Administrative Procedure Act) except as provided by
 12 regulations adopted under this chapter **or under AS 44.21.560**.

13 * **Sec. 81.** AS 27.21.190(b) is amended to read:

14 (b) The commissioner may not approve an application for revision of a permit
 15 unless the commissioner finds that reclamation required by this chapter and the
 16 regulations adopted under it can be accomplished under the necessary revisions to the
 17 reclamation plan. The commissioner shall establish guidelines for determining the
 18 extent of revision for which all permit application requirements and procedures,
 19 including notice and hearing, shall apply. A revision that, in the commissioner's
 20 determination, requires significant revisions to the applicant's reclamation plan must,
 21 at a minimum, be subject to a notice and hearing requirement, **with the hearing to be**
 22 **held by the office of administrative hearings (AS 44.21.510)**.

23 * **Sec. 82.** AS 27.21.240(c) is amended to read:

24 (c) A person who is or may be adversely affected by a notice of violation or
 25 cessation order issued under (a) or (b) of this section, or by a modification, vacation,
 26 or termination of the notice or order, may apply to the commissioner for review of the
 27 notice or order within 60 days after receipt of the notice or order by the operator or
 28 permittee or within 60 days after the modification, vacation, or termination of the
 29 notice or order. On receipt of the application, the commissioner shall provide for an
 30 investigation and an investigation report, as the commissioner considers appropriate.
 31 At the request of the applicant or another person who is or may be adversely affected,

1 the commissioner shall provide for a public hearing to enable the applicant to present
 2 information relating to the notice or order or the modification, vacation, or termination
 3 of the notice or order. The filing of an application for review under this subsection
 4 may not operate as a stay of the order or notice. The commissioner, **after consulting**
 5 **with the office of administrative hearings (AS 44.21.510)**, shall give the applicant
 6 and other interested persons written notice of the time and place of the hearing at least
 7 five days before the hearing. **AS 44.62** ([THE] Administrative Procedure Act
 8 [(AS 44.62)] applies to a hearing under this subsection except as provided by
 9 regulations adopted under this chapter **or under AS 44.21.560**.

10 * **Sec. 83.** AS 27.21.240(e) is amended to read:

11 (e) An applicant for review under (c) of this section may file with the
 12 commissioner a written request for temporary relief from a notice or order issued
 13 under (a) or (b) of this section before completion of the review of the notice or order.
 14 The written request must include a detailed statement of the reasons in support of the
 15 request. The commissioner shall expeditiously issue an order granting or denying the
 16 temporary relief. If the applicant requests temporary relief from a cessation order
 17 issued under (a) or (b) of this section, the commissioner shall issue an order granting
 18 or denying the temporary relief within 10 days after the commissioner receives the
 19 written request. The commissioner may grant the temporary relief under this
 20 subsection only

21 (1) after the **office of administrative hearings** [COMMISSIONER]
 22 holds a hearing in the locality of the permit area on the request for temporary relief in
 23 which the parties have an opportunity to be heard;

24 (2) if the applicant shows that there is substantial likelihood that the
 25 findings of the commissioner under (d) of this section will be favorable to the
 26 applicant; and

27 (3) if the temporary relief will not adversely affect the health or safety
 28 of the public or cause significant, imminent, environmental harm to land, air, or water
 29 resources.

30 * **Sec. 84.** AS 34.45.400(c) is amended to read:

31 (c) At the formal hearing, the **hearing officer from the office of**

1 **administrative hearings (AS 44.21.510)** [DEPARTMENT] may subpoena witnesses
 2 and may administer oaths and make inquiries necessary to determine the validity of
 3 the claim. The person aggrieved may present arguments and evidence relevant to the
 4 decision or action of the department. **If, after the hearing,** the department determines
 5 that a correction is warranted, the department shall make the correction.

6 * **Sec. 85.** AS 36.30.615 is amended to read:

7 **Sec. 36.30.615. Hearing on protest appeal.** A hearing on a protest appeal
 8 shall be conducted in accordance with AS 36.30.670 and regulations adopted by the
 9 commissioner **to the extent they do not conflict with regulations adopted under**
 10 **AS 44.21.560.**

11 * **Sec. 86.** AS 36.30.630(a) is amended to read:

12 (a) Except as provided in (b) of this section, a hearing shall be conducted
 13 according to AS 36.30.670 and, **to the extent they do not conflict with regulations**
 14 **adopted under AS 44.21.560,** regulations adopted by the commissioner of
 15 administration on a contract controversy appealed to the commissioner of
 16 administration or the commissioner of transportation and public facilities or referred to
 17 either commissioner under AS 36.30.620(f).

18 * **Sec. 87.** AS 36.30.635(a) is amended to read:

19 (a) After consultation with the using agency and the attorney general and after
 20 a hearing conducted according to AS 36.30.670 and, **to the extent they do not**
 21 **conflict with regulations adopted under AS 44.21.560,** regulations adopted by the
 22 commissioner of administration, the commissioner of administration or the
 23 commissioner of transportation and public facilities may debar a person for cause from
 24 consideration for award of contracts. Notice of a debarment hearing shall be provided
 25 in writing at least seven days before the hearing. The debarment may not be for a
 26 period of more than three years.

27 * **Sec. 88.** AS 36.30.650 is amended to read:

28 **Sec. 36.30.650. Hearing on a suspension.** (a) A person suspended under
 29 AS 36.30.635 is entitled to a hearing conducted according to AS 36.30.670 and, **to the**
 30 **extent that they do not conflict with regulations adopted under AS 44.21.560,**
 31 regulations adopted by the commissioner of administration if the person files a written

1 request for a hearing with the commissioner of administration or the commissioner of
 2 transportation and public facilities, as appropriate, within seven days after receipt of
 3 the notice of suspension under AS 36.30.645.

4 (b) If a suspended person requests a hearing, the commissioner of
 5 administration or the commissioner of transportation and public facilities, as
 6 appropriate, **after consulting with the office of administrative hearings**
 7 **(AS 44.21.510)**, shall schedule a prompt hearing unless the attorney general
 8 determines that a hearing at the proposed time is likely to jeopardize an investigation.
 9 A hearing may not be delayed longer than six months after notice of the suspension is
 10 provided under AS 36.30.645.

11 * **Sec. 89.** AS 36.30.670(a) is amended to read:

12 (a) The **chief administrative hearing officer (AS 44.21.510)**
 13 [COMMISSIONER OF ADMINISTRATION OR THE COMMISSIONER OF
 14 TRANSPORTATION AND PUBLIC FACILITIES] shall act as a hearing officer [OR
 15 APPOINT A HEARING OFFICER] for a hearing conducted under this chapter. The
 16 hearing officer shall arrange for a prompt hearing and notify the parties in writing of
 17 the time and place of the hearing. The hearing shall be conducted in an informal
 18 manner. The provisions of AS 44.62 (Administrative Procedure Act) do not apply to a
 19 hearing conducted under this chapter.

20 * **Sec. 90.** AS 36.30.675(a) is amended to read:

21 (a) **The** [IF THE COMMISSIONER OF ADMINISTRATION OR THE
 22 COMMISSIONER OF TRANSPORTATION AND PUBLIC FACILITIES IS NOT
 23 ACTING AS HEARING OFFICER, THE] hearing officer shall recommend a decision
 24 to the commissioner **of administration or the commissioner of transportation and**
 25 **public facilities, as appropriate,** based on the evidence presented. The
 26 recommendation must include findings of fact and conclusions of law.

27 * **Sec. 91.** AS 39.25.120(b) is amended to read:

28 (b) A person holding a position in the partially exempt service is not required
 29 to complete an assessment and is not eligible for a hearing [BY THE PERSONNEL
 30 BOARD] in case of dismissal, demotion, or suspension. Positions in the partially
 31 exempt service are specifically exempt from the rules established under

1 AS 39.25.150(3) - (10), (12), (13), and (16).

2 * **Sec. 92.** AS 39.25.120(c) is amended by adding a new paragraph to read:

3 (20) the chief administrative hearing officer, chief assistant, and
4 hearing officers of the office of administrative hearings established in AS 44.21.510.

5 * **Sec. 93.** AS 39.25.170(a) is amended to read:

6 (a) An employee in the classified service who is dismissed, demoted, or
7 suspended for more than 30 working days in a 12-month period shall be notified in
8 writing by the employer of the action and the reason for it, [AND] may be heard
9 publicly by **a hearing officer from the office of administrative hearings**
10 **(AS 44.21.510)**, [THE PERSONNEL BOARD] and may be represented by counsel at
11 the hearing. In order to be heard, the complainant shall request a hearing within 15
12 days of dismissal, demotion, or suspension.

13 * **Sec. 94.** AS 39.25.176(a) is amended to read:

14 (a) If a person refuses to respond to a subpoena issued under AS 39.25.175, or
15 refuses to testify at a hearing authorized by AS 39.25.170, the **hearing officer**
16 [PERSONNEL BOARD] may apply to the superior court for an order requiring the
17 person to respond to the subpoena or to testify.

18 * **Sec. 95.** AS 39.35.030(d) is amended to read:

19 (d) The governor shall appoint two physicians authorized to practice medicine
20 in the state to serve as members of the board and two physicians authorized to practice
21 medicine in the state to serve as alternate members to the physician members of the
22 board. The physicians are members of the board only for the purpose of **assisting the**
23 **hearing officer from the office of administrative hearings (AS 44.21.510) in**
24 hearing appeals to determine medical eligibility for disability benefits under
25 AS 39.35.400 and 39.35.410. If the administrator, after making a reasonable effort to
26 secure the participation of two physician members or alternates to serve on a disability
27 appeal, is unable to do so, the **hearing officer** [BOARD] may hear the appeal with the
28 **assistance** [PARTICIPATION] of only one physician member or alternate [, IN
29 WHICH CASE, FOR PURPOSES OF A QUORUM, THE BOARD SHALL BE
30 CONSIDERED TO HAVE ONLY ONE PHYSICIAN AS A MEMBER]. The Public
31 Employees' Retirement Board and the Teachers' Retirement Board may submit to the

1 governor a list of recommended physicians to serve on the board. Physician members
2 serve at the pleasure of the governor.

3 * **Sec. 96.** AS 39.35.047(b) is amended to read:

4 (b) In the conduct of a hearing under this chapter, the **hearing officer from**
5 **the office of administrative hearings (AS 44.21.510)** [BOARD] may issue
6 subpoenas, administer oaths, compel the attendance and testimony of witnesses,
7 compel the taking of depositions and the submission of affidavits, and compel the
8 production of documents and records. The **hearing officer's** [BOARD'S] powers
9 under this subsection do not extend to prehearing discovery. However, upon good
10 cause shown, the **hearing officer** [BOARD] may permit the preservation of witness
11 testimony if the **hearing officer** [BOARD] cannot successfully compel the witness to
12 attend a hearing. The board may authorize hearing officers to [CONDUCT
13 HEARINGS UNDER THIS CHAPTER AND] issue **binding** decisions. **The binding**
14 [; THE] decision of a hearing officer may be appealed to the board. The board shall
15 adopt procedures for appeals from a hearing officer's **binding** decision.

16 * **Sec. 97.** AS 39.35.522(c) is amended to read:

17 (c) The board may **arrange with the office of administrative hearings**
18 **(AS 44.21.510) to** conduct a hearing on an appeal under this section.

19 * **Sec. 98.** AS 39.45.025(a) is amended to read:

20 (a) The Public Employees Retirement Board established by AS 39.35.030
21 shall

22 (1) hold regular and special meetings it considers necessary to carry
23 out its responsibilities relating to the deferred compensation program for state
24 employees; all meetings are open to the public and the board shall keep a full record of
25 all its proceedings;

26 (2) adopt, with modifications it considers proper, regulations
27 recommended by the administrator for carrying out the deferred compensation
28 program for state employees;

29 (3) consider matters referred to it by the administrator in connection
30 with changes in policy and revisions of the deferred compensation program for state
31 employees;

1 (4) act as an appeals board, **arrange with the office of administrative**
 2 **hearings (AS 44.21.510) to** hold hearings at the request of an employer, employee,
 3 surviving spouse, or a beneficiary on decisions made by the administrator that relate to
 4 the deferred compensation program for state employees, and submit its findings to the
 5 administrator;

6 (5) prescribe the policies for the proper operation of the deferred
 7 compensation program for state employees and take other action that it considers
 8 necessary to carry out the intent and purpose of the program.

9 * **Sec. 99.** AS 39.52.120 is amended by adding a new subsection to read:

10 (e) Except for supplying information requested by the hearing officer or
 11 responding to contacts initiated by the hearing officer, a public officer may not attempt
 12 to influence the outcome of an administrative hearing conducted by the office of
 13 administrative hearings (AS 44.21.510) by directly or indirectly contacting or
 14 attempting to contact the hearing officer assigned to the hearing unless the

15 (1) contact is made in the presence of all parties to the hearing or the
 16 parties' representatives and the contact is made a part of the record; or

17 (2) fact and substance of the contact is promptly disclosed by the
 18 public officer to all parties to the hearing and the contact is made a part of the record.

19 * **Sec. 100.** AS 39.52.350(c) is amended to read:

20 (c) If the subject of the accusation denies that a violation of this chapter has
 21 occurred, the attorney general shall refer the matter to the **chief administrative**
 22 **hearing officer (AS 44.21.510), who** [PERSONNEL BOARD, WHICH] shall appoint
 23 a hearing officer to conduct a hearing.

24 * **Sec. 101.** AS 41.17.045(a) is amended to read:

25 (a) The governor may initiate the removal of a board member for inefficiency,
 26 neglect of duty, or misconduct in office by delivering to the member a written copy of
 27 the charges and giving the member an opportunity to be heard in person or by counsel
 28 at a public hearing before **a hearing officer of the office of administrative hearings**
 29 **(AS 44.21.510)** [THE GOVERNOR OR THE GOVERNOR'S DESIGNEE] on at least
 30 10 days' written notice by registered mail. The member has a right of confrontation
 31 and cross-examination of witnesses testifying.

1 * **Sec. 102.** AS 41.17.139(a) is amended to read:

2 (a) Unless otherwise specified, proceedings under AS 41.17.131 - 41.17.139
 3 are not subject to AS 44.62 (Administrative Procedure Act). A hearing under
 4 AS 41.17.136 or 41.17.138 shall be held before [THE STATE FORESTER, A
 5 REGIONAL FORESTER, OR ANOTHER EMPLOYEE OF THE DIVISION WITH
 6 SIMILAR QUALIFICATIONS ACTING AS] a hearing officer **of the office of**
 7 **administrative hearings (AS 44.21.510)**. A hearing on an appeal under
 8 AS 41.17.087 and a hearing under AS 41.17.082(b) shall **also** be held before **a**
 9 **hearing officer of the office of administrative hearings** [THE COMMISSIONER
 10 OR THE COMMISSIONER'S DESIGNEE. A PERSON WHO HAS ASSISTED IN
 11 THE PREPARATION OF THE DIVISION'S CASE IS INELIGIBLE]. Hearings are
 12 not limited by common law, statutory, or judicial rules of evidence; however, the
 13 hearing officer may admit only that evidence that appears to be reliable and
 14 trustworthy. All hearings shall be open to the public. Written or oral testimony may
 15 be submitted. A party to a hearing may make written or oral argument, secure the
 16 issuance of a subpoena under AS 44.62.430, offer testimony or other evidence, and
 17 cross-examine witnesses. The hearing officer shall endeavor, in conducting any
 18 hearing, to ensure that the respondent understands the proceedings and that the facts
 19 supporting the position of each party have been adequately presented.

20 * **Sec. 103.** AS 43.23.015(g) is amended to read:

21 (g) If an individual is aggrieved by a decision of the department determining
 22 the individual's eligibility for a permanent fund dividend or the individual's authority
 23 to claim a permanent fund dividend on behalf of another, the individual may, upon
 24 payment of a \$25 appeal fee, request the department to review its decision. Within 12
 25 months after the administrative appeal is filed **and after a hearing conducted by the**
 26 **office of administrative hearings (AS 44.21.510)**, the department shall provide the
 27 individual with a final written decision. If the individual is aggrieved by the decision
 28 of the department after all administrative proceedings, the individual may appeal that
 29 decision to the superior court in accordance with AS 44.62.560. An appeal to the court
 30 under this section does not entitle the aggrieved individual to a trial de novo. The
 31 appeal shall be based on the record of the administrative proceeding from which

1 appeal is taken and the scope of appeal is limited to matters contained in the record of
2 the administrative proceeding. If, as a result of an administrative proceeding or a court
3 appeal, the individual prevails, the \$25 appeal fee shall be returned to the individual
4 by the department.

5 * **Sec. 104.** AS 43.23.066(c) is amended to read:

6 (c) AS 44.62.330 - 44.62.630 apply to a hearing requested by an individual
7 under (b)(3) of this section. **The hearing shall be conducted by the office of**
8 **administrative hearings (AS 44.21.510).**

9 * **Sec. 105.** AS 43.23.068(c) is amended to read:

10 (c) AS 44.62.330 - 44.62.630 apply to a hearing requested by an individual
11 under (b)(3) of this section. **The hearing shall be conducted by the office of**
12 **administrative hearings (AS 44.21.510).**

13 * **Sec. 106.** AS 43.23.072(c) is amended to read:

14 (c) Except as provided in (d) of this section, AS 44.62.330 - 44.62.630 apply
15 to a hearing requested by an individual under (b) of this section. The hearing **shall be**
16 **conducted by the office of administrative hearings (AS 44.21.510) and**

17 (1) is limited to issues of identity of the individual and whether an
18 amount is still owing in the claim under AS 23.20; and

19 (2) may be conducted telephonically or in writing.

20 * **Sec. 107.** AS 43.70.075(m) is amended to read:

21 (m) The department may initiate suspension of a business license endorsement
22 or the right to obtain a business license endorsement under this section by sending the
23 person subject to the suspension a notice by certified mail, return receipt requested, or
24 by delivering the notice to the person. The notice must contain information that
25 informs the person of the grounds for suspension, the length of any suspension sought,
26 and the person's right to administrative review [BEFORE THE DEPARTMENT]. A
27 suspension begins 30 days after receipt of notice described in this subsection unless
28 the person delivers a timely written request for a hearing to the department in the
29 manner provided by regulations of the department. If a hearing is requested under this
30 subsection, a hearing officer of the **office of administrative hearings (AS 44.21.510)**
31 [DEPARTMENT] shall determine the issues by using the preponderance of the

1 evidence test and shall, **to the extent they do not conflict with regulations adopted**
 2 **under AS 44.21.560**, conduct the hearing in the manner provided by regulations of the
 3 department. A hearing under this subsection is limited to the following questions:

4 (1) was the person holding the business license endorsement, or an
 5 agent or employee of the person while acting within the scope of the agency or
 6 employment of the person, convicted by plea or judicial finding of violating
 7 AS 11.76.100, 11.76.106, or 11.76.107;

8 (2) if the department does not allege a conviction of AS 11.76.100,
 9 11.76.106, or 11.76.107, did the person, or an agent or employee of the person while
 10 acting within the scope of the agency or employment of the person, violate a provision
 11 of (a) or (g) of this section;

12 (3) within the 24 months before the date of the department's notice
 13 under this subsection, was the person, or an agent or employee of the person while
 14 acting within the scope of the agency or employment of the person, convicted of
 15 violating AS 11.76.100, 11.76.106, or 11.76.107 or adjudicated for violating a
 16 provision of (a) or (g) of this section.

17 * **Sec. 108.** AS 43.70.075(q) is amended to read:

18 (q) The department may adopt regulations **that do not conflict with**
 19 **regulations adopted under AS 44.21.510** to establish an administrative hearing
 20 process for actions taken [BY THE DEPARTMENT] under this section. AS 44.62
 21 (Administrative Procedure Act) does not apply to a hearing under this section.

22 * **Sec. 109.** AS 44.62.350(a) is amended to read:

23 (a) The governor shall assign a qualified, unbiased, and impartial hearing
 24 officer, with experience in the general practice of law, to conduct hearings under this
 25 chapter **that are not conducted by the office of administrative hearings**
 26 **(AS 44.21.510).** A [. THE] hearing officer may perform other duties in connection
 27 with the administration of this chapter and other laws.

28 * **Sec. 110.** AS 44.62.450(a) is amended to read:

29 (a) A hearing in a contested case shall be presided over by a hearing officer.
 30 **Unless the hearing is conducted by the office of administrative hearings**
 31 **(AS 44.21.510), the** [THE] agency itself shall determine whether the hearing officer

1 hears the case alone or whether the agency hears the case with the hearing officer.

2 * **Sec. 111.** AS 44.77.040(a) is amended to read:

3 (a) The Department of Administration, **after consulting with the office of**
 4 **administrative hearings (AS 44.21.510)**, shall fix a time for hearing the appeal and
 5 shall notify the claimant and the officer who approved the voucher and give them a
 6 reasonable opportunity to be heard. **The hearing shall be conducted by the office of**
 7 **administrative hearings.**

8 * **Sec. 112.** AS 45.30.040(c) is amended to read:

9 (c) Whenever it determines that there may be a violation of the provisions of
 10 this chapter by a manufacturer or dealer of mobile homes, the department may give
 11 notice of hearing, and, within 30 days after giving notice, [HOLD] a hearing **shall be**
 12 **held by the office of administrative hearings (AS 44.21.510)** to determine whether
 13 there has been a violation. After notice and hearing,

14 (1) if the department finds that there has been a violation of the
 15 provisions of this chapter, the department may issue an order directing that the person
 16 who is violating the provision cure the violation in a reasonable time and in a
 17 reasonable manner;

18 (2) if the department determines that violations of the provisions of
 19 this chapter are regular and recurring, it may require forfeiture of the bond to the
 20 benefit of the state and arrange for distribution of the proceeds of the bond to the
 21 mobile home owners injured by the activities of the dealer or manufacturer, or to
 22 mobile home dealers injured by the activities of the manufacturer.

23 * **Sec. 113.** AS 45.55.935 is amended to read:

24 **Sec. 45.55.935. Hearings.** (a) The administrator shall adopt regulations,
 25 consistent with the provisions of this chapter **and with regulations adopted under**
 26 **AS 44.21.560**, governing administrative hearings conducted by the **office of**
 27 **administrative hearings (AS 44.21.510)** [ADMINISTRATOR OR A DESIGNEE OF
 28 THE ADMINISTRATOR] for the following:

29 (1) orders issued under AS 45.55.120, 45.55.900(d), or 45.55.920; in
 30 these instances, the administrator shall promptly send a notice of opportunity for
 31 hearing to the issuer of the securities and to all persons who have filed with the

1 department a notice of intention to sell the securities; and

2 (2) orders issued under AS 45.55.060; before the administrator enters
3 an order under AS 45.55.060, the administrator shall send to the person involved a
4 notice of opportunity for hearing; if the person involved is an agent or investment
5 adviser representative, then the administrator shall, in addition, notify the employing
6 broker-dealer, state investment adviser, federal covered adviser, or issuer.

7 (b) In conducting a hearing in accordance with (a) of this section, the **hearing**
8 **officer** [ADMINISTRATOR] may issue a subpoena to compel the attendance of any
9 witness or party and to compel production of evidence.

10 * **Sec. 114.** AS 45.55.950(e) is amended to read:

11 (e) Every hearing in an administrative proceeding shall be public unless the
12 **hearing officer**, [ADMINISTRATOR] in the exercise of discretion, grants a request
13 joined in by all the respondents that the hearing be conducted privately.

14 * **Sec. 115.** AS 45.57.020(a) is amended to read:

15 (a) An offeror may not make a takeover bid unless at least 20 days before the
16 bid the offeror files with the department and with the registered agent of the offeree
17 company a statement containing all the information required by (c) of this section and
18 either

19 (1) within 10 days following the filing no hearing has been ordered by
20 the department or requested by the offeree company; or

21 (2) a hearing has been ordered within that time and, **after** [UPON] the
22 hearing **conducted by the office of administrative hearings (AS 44.21.510)**, the
23 department has **decided** [ADJUDICATED] that the offeror proposed to make fair,
24 full, and effective disclosure to offerees of all information material to a decision to
25 accept or reject the offer.

26 * **Sec. 116.** AS 45.57.020(b) is amended to read:

27 (b) A hearing shall begin within 20 days of the date of filing of the statement,
28 and adjudication shall be made within 30 days of the filing unless extended by the
29 **hearing officer** [DEPARTMENT] for the convenience of the parties or protection of
30 the offerees.

31 * **Sec. 117.** AS 46.03.820(c) is amended to read:

1 (c) In the commissioner's discretion or upon application made by the recipient
 2 of an order within 15 days of receipt of the order, the department, **after consulting**
 3 **with the office of administrative hearings (AS 44.21.510)**, shall schedule a hearing
 4 at the earliest possible time. The hearing shall be scheduled within five days of the
 5 receipt of the application. The submission of an application or the scheduling of a
 6 hearing does not stay the operation of the department's order issued under (a) of this
 7 section.

8 * **Sec. 118.** AS 46.03.850(e) is amended to read:

9 (e) The **office of administrative hearings (AS 44.21.510)** [DEPARTMENT]
 10 shall hold a hearing within 20 days after **the department receives** [RECEIPT OF] a
 11 request for one under (d) of this section. After the hearing, the department may
 12 rescind, modify, or affirm the compliance order.

13 * **Sec. 119.** AS 46.14.410(a) is amended to read:

14 (a) If a municipality or a local air quality district has an approved local air
 15 quality control program under AS 46.14.400 and the department determines that the
 16 program is being implemented in a manner that fails to meet the terms of the
 17 cooperative agreement or is otherwise being inappropriately administered, the
 18 department shall give written notice setting out its determination to the municipality or
 19 local air quality district. Within 45 days after [GIVING] written notice **was given**, the
 20 **office of administrative hearings (AS 44.21.510)** [DEPARTMENT] shall conduct a
 21 public hearing on the matter. The hearing shall be recorded by any means that ensures
 22 an accurate record.

23 * **Sec. 120.** AS 46.15.065(c) is amended to read:

24 (c) The commissioner shall make investigations as necessary of rights asserted
 25 by declarations filed under this section and shall determine each existing appropriation
 26 and mail a summary of the determination to each person who has filed a declaration
 27 with respect to the specified area or source. Any person adversely affected by a
 28 determination may file with the commissioner a request for a hearing within 20 days
 29 of the date the notice is mailed. If a hearing is requested, the commissioner shall,
 30 **after consulting with the office of administrative hearings (AS 44.21.510)**, send a
 31 notice of the time and place of the hearing to each person who has filed a declaration.

1 * **Sec. 121.** AS 46.35.090(c) is amended to read:

2 (c) A hearing officer appointed **by the chief administrative hearing officer**
 3 **(AS 44.21.510)** [UNDER AS 44.62.350] shall preside at hearings under this section,
 4 rule on the admission and exclusion of evidence, advise the deciding officers on
 5 matters of law, and participate in posthearing deliberations.

6 * **Sec. 122.** AS 46.35.090(e) is amended to read:

7 (e) The commissioner, after consultation with other state agencies and local
 8 government, shall adopt regulations governing the conduct of adjudicatory hearings
 9 under this section **that do not conflict with regulations adopted under**
 10 **AS 44.21.560.** The commissioner may enter into cooperative agreements with local
 11 governments and federal agencies for the joint holding of adjudicatory hearings. To
 12 the extent feasible, regulations adopted under this section must conform to
 13 adjudicatory hearing procedures for the review of permit decisions under AS 46.03
 14 and AS 46.04. Notwithstanding AS 44.62.330(a)(44), adjudicatory hearing procedures
 15 to review permit decisions under AS 46.35.010 - 46.35.210, or under AS 46.03 or
 16 AS 46.04, need not conform to AS 44.62.330 - 44.62.630 (Administrative Procedure
 17 Act).

18 * **Sec. 123.** AS 46.40.100(b) is amended to read:

19 (b) A party that is authorized under (g) of this section may file a petition
 20 showing that a district coastal management program is not being implemented. A
 21 petition filed under this subsection may not seek review of a proposed or final
 22 consistency determination regarding a specific project. On receipt of a petition, the
 23 council, after giving public notice in the manner required by (f) of this section, shall
 24 **arrange with the office of administrative hearings (AS 44.21.510) to conduct**
 25 **[CONVENE]** a hearing to consider the matter. A hearing called under this subsection
 26 shall be held in accordance with regulations adopted by the council **to the extent that**
 27 **they do not conflict with regulations adopted under AS 44.21.560.** After hearing,
 28 the council may order that the coastal resource district or a state resource agency take
 29 any action with respect to future implementation of the district coastal management
 30 program that the council considers necessary, except that the council may not order
 31 that the coastal resource district or a state agency take any action with respect to a

1 proposed or final consistency determination that has been issued.

2 * **Sec. 124.** AS 46.40.100(f) is amended to read:

3 (f) Upon receipt of a petition under (b) of this section **and after consulting**
 4 **with the office of administrative hearings**, the council shall give notice of the
 5 hearing at least 10 days before the scheduled date of the hearing. The notice must

6 (1) contain sufficient information in commonly understood terms to
 7 inform the public of the nature of the petition; and

8 (2) indicate the manner in which the public may comment on the
 9 petition.

10 * **Sec. 125.** AS 47.30.031(a) is amended to read:

11 (a) The board shall adopt regulations under AS 44.62 (Administrative
 12 Procedure Act) consistent with state law and the fiduciary responsibilities imposed by
 13 law on members of boards of directors of corporations having trust responsibilities
 14 **and consistent with regulations adopted under AS 44.21.560.**

15 * **Sec. 126.** AS 47.45.050 is amended to read:

16 **Sec. 47.45.050. Department hearing.** The Department of Administration
 17 may **arrange with the office of administrative hearings (AS 44.21.510) to** hold a
 18 [DEPARTMENTAL] hearing upon the request of an applicant or recipient who has
 19 been disqualified. Before this hearing the department shall by certified mail notify an
 20 applicant or recipient in plain and comprehensive language the exact reason for the
 21 disqualification. Form letters using only referral to state statutes or department
 22 regulations, or otherwise vague in detail, are not considered compliance by the
 23 department with this section.

24 * **Sec. 127.** AS 39.25.070(3) is repealed.

25 * **Sec. 128.** The uncodified law of the State of Alaska is amended by adding a new section
 26 to read:

27 TRANSITION. (a) Upon the initial appointment of the chief administrative hearing
 28 officer under AS 44.21.510(c), added by sec. 2 of this Act, the chief administrative hearing
 29 officer and the commissioner of administration, the commissioner of community and
 30 economic development, the commissioner of revenue, and the governor's office shall identify
 31 hearing officers and support staff to be transferred to the office of administrative hearings. A

1 state employee who is transferred under this section from another agency to the office of
2 administrative hearings shall continue to be compensated at the same range and step of the
3 salary schedule in AS 39.27.011(a) that the employee was receiving before the transfer, and
4 qualifies for salary increases authorized under AS 39.27.011 and 39.27.022.

5 (b) Procedural regulations of an agency that refers an administrative hearing to the
6 office of administrative hearings shall apply to the hearing until regulations adopted under
7 AS 44.21.560(a), added in sec. 2 of this Act, become effective.