

CS FOR SENATE BILL NO. 203(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 5/7/03

Referred: Judiciary, Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST

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 is in the
28 partially exempt service.

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

30 The chief administrative hearing officer shall

31 (1) supervise the office;

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

30 **Sec. 44.21.530. Jurisdiction of the office.** (a) The office shall conduct all
31 adjudicative administrative hearings required under the following statutes or under

1 regulations adopted to implement the statutes:

- 2 (1) AS 04.11.510(b)(1) (alcoholic beverages license);
- 3 (2) AS 05.15 (charitable gaming);
- 4 (3) AS 05.20 (recreational devices);
- 5 (4) AS 05.90.001 (special racing events);
- 6 (5) AS 06 (banks and financial institutions);
- 7 (6) AS 08 (occupational licensing), other than AS 08.08;
- 8 (7) AS 10.06 (Alaska Corporations Code);
- 9 (8) AS 10.13 (Alaska BIDCO Act);
- 10 (9) AS 10.25.375 (Electric and Telephone Cooperative Act);
- 11 (10) AS 10.50.408 (limited liability companies);
- 12 (11) AS 14.11.016 (education-related facility grants);
- 13 (12) AS 14.18 (discrimination in public education);
- 14 (13) AS 14.20.030 (teacher certificates);
- 15 (14) AS 14.25.037 (teachers' retirement);
- 16 (15) AS 14.30 (educational programs);
- 17 (16) AS 14.37 (child care facilities);
- 18 (17) AS 14.48 (postsecondary educational institutions);
- 19 (18) AS 17.20 (Alaska Food, Drug, and Cosmetic Act);
- 20 (19) AS 18.07 (certificate of need program);
- 21 (20) AS 18.18.030 (hospice licenses);
- 22 (21) AS 18.20 (hospitals and nursing facilities);
- 23 (22) AS 18.35.040 (tourist accommodations);
- 24 (23) AS 18.55 (housing and public buildings);
- 25 (24) AS 18.60 (safety);
- 26 (25) AS 18.67.040 (Violent Crimes Compensation Board);
- 27 (26) AS 18.80 (State Commission for Human Rights);
- 28 (27) AS 21 (insurance);
- 29 (28) AS 25.27 (child support enforcement);
- 30 (29) AS 27.21 (Alaska Surface Coal Mining and Reclamation Act);
- 31 (30) AS 32.05 (Uniform Partnership Act);

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

24 (b) An agency may request the office to conduct an administrative hearing of

25 that agency or to conduct several administrative hearings. The office may provide the

26 service after entering into a written agreement with the agency describing the services

27 to be provided and providing for reimbursement by the agency to the office of the

28 costs incurred by the office in providing the services. To the extent otherwise

29 permitted by law, the agency may delegate to the hearing officer assigned to conduct

30 the hearing on behalf of the agency the authority to make a final agency decision in

31 the matter.

1 **Sec. 44.21.540. Hearing officers.** (a) A hearing officer must be admitted to
 2 practice law in this state and must have been admitted to practice in this state for at
 3 least two years before being employed or retained with the office. The chief
 4 administrative hearing officer shall establish additional qualifications for hearing
 5 officers employed or retained by the office and for those hearing officers that may be
 6 assigned to particular types of cases. Full-time hearing officers employed by the
 7 office are subject to the personnel rules adopted under AS 39.25.150(7), (15), and
 8 (16).

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

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

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

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

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

25 (d) The chief administrative hearing officer may enter into a contract with an
 26 individual who meets the qualifications established in (a) of this section to serve as a
 27 hearing officer in a particular administrative hearing or in several hearings of the same
 28 type. Notwithstanding AS 36.30.015(d), the chief administrative hearing officer may
 29 contract for or hire a hearing officer without notifying or securing the approval of the
 30 Department of Law.

31 **Sec. 44.21.550. Code of hearing officer conduct.** (a) The chief

1 administrative hearing officer shall, by regulation, adopt a code of hearing officer
2 conduct. Hearing officers of the office and of each other agency shall comply with the
3 code.

4 (b) Except as provided in (d) of this section, the chief administrative hearing
5 officer shall receive and consider all complaints against hearing officers employed or
6 retained by the office or another agency alleging violations of the code. If the chief
7 administrative hearing officer determines that the conduct alleged, if true, would
8 constitute a violation of the code, the officer shall deliver the complaint to the attorney
9 general.

10 (c) If the attorney general determines that a violation has occurred, the
11 attorney general shall submit written findings to the agency that employed or retained
12 the hearing officer who is the subject of the complaint together with recommendations
13 for corrective or disciplinary action. If the hearing officer is employed or retained by
14 the office, the chief administrative hearing officer shall take appropriate corrective or
15 disciplinary action.

16 (d) The attorney general shall, by regulation, establish procedures to
17 implement (c) of this section, including procedures for investigating and holding
18 hearings on complaints. The attorney general shall receive and consider any
19 complaint filed against the chief administrative hearing officer under this section, and
20 may investigate or hold a hearing on the complaint in compliance with the regulations
21 adopted under this subsection.

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

31 (b) When an agency receives a request for a hearing that will be conducted by

1 the office under AS 44.21.530, the agency shall immediately notify the office. The
2 agency shall compile and transmit to the office the agency file and all materials
3 relevant to the matter.

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

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

19 (1) adopt the proposed decision as the final agency decision;

20 (2) return the case to the hearing officer to take additional evidence or
21 make additional findings or for other specific proceedings;

22 (3) exercise its discretion by revising the proposed enforcement action,
23 order, award, remedy, sanction, or penalty, and adopt the proposed decision as revised;

24 (4) in writing reject, modify, or amend a factual finding in the
25 proposed decision by specifying the affected finding and identifying the testimony and
26 other evidence relied on by the agency for the rejection, modification, or amendment
27 of the finding, and issue a final agency decision;

28 (5) in writing reject, modify, or amend an interpretation or application
29 in the proposed decision of a statute or regulation directly governing the agency's
30 actions by specifying the reasons for the rejection, modification, or amendment, and
31 issue a final agency decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 unless waived by the applicant and the board, the formal hearing shall be held in the
2 area for which the application is requested;

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

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

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

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

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

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

24 (b) The Department of Public Safety, with the concurrence of the Department
25 of Transportation and Public Facilities, may grant, and for cause cancel, permission to
26 conduct a special racing event as provided in this section upon terms and conditions
27 and at times and places the department may determine. If an applicant's permission is
28 refused or cancelled, the applicant may request the Department of Public Safety for a
29 hearing. The hearing shall be conducted under the provisions of **AS 44.62** [THE]
30 **(Administrative Procedure Act) by the office of administrative hearings**
31 **(AS 44.21.510)** [(AS 44.62)].

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

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

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

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

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

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

26 (1) issue an order directing the person to stop the act or practice;
 27 however, reasonable notice of and an opportunity for a hearing must first be given to
 28 the person, except that the commissioner may issue a temporary order before a hearing
 29 is held; a temporary order remains in effect until a final order affirming, modifying, or
 30 reversing the temporary order is issued or until 15 days after the person receives the
 31 notice and has not requested a hearing by that time; a temporary order becomes final if

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (7) prior determinations under this subsection; and

24 (8) other factors the board considers relevant.

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

26 (c) The board may summarily suspend a license before final hearing or during
 27 the appeals process if the board finds that the licensee poses a clear and immediate
 28 danger to the public health and safety if the licensee continues to practice. 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) not** [BOARD NO] later than seven
 31 days after the effective date of the order and the person may appeal the suspension

1 after a hearing to a court of competent jurisdiction.

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

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

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

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

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

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

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

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

1 approve, the department may

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

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

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

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

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

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

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

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

30 (1) [THE] commission makes an award to the claimant from the real
 31 estate surety fund;

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

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

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

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

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

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

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

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

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

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

31 The commissioner may, within one year after a filing, and after written notice to the

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

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

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

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

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

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

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

26 The commissioner may, within one year after a filing, and after written notice to the
 27 cooperative or individual making a filing, cancel a certificate issued or filing accepted
 28 under this chapter, on any ground existing at the time notice of cancellation is made
 29 for which the commissioner could have originally refused to issue the certificate or
 30 accept the filing. The notice of cancellation must state the reason for the proposed
 31 cancellation. A cooperative or individual may request a hearing within 90 days after

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

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

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

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

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

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

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

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

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

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

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

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

1 adopt procedures for appeals from a hearing officer's **binding** decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 **Sec. 17.20.060. Suspension and reinstatement of emergency permit.** The
 27 commissioner may suspend immediately upon notice a permit issued under
 28 AS 17.20.050 if it is found that the conditions of the permit have been violated. The
 29 holder of a suspended permit may apply for the reinstatement of the permit, and the
 30 commissioner, immediately after prompt hearing **conducted by the office of**
 31 **administrative hearings (AS 44.21.510)** and an inspection of the establishment, shall

1 reinstatement the permit if it is found that adequate measures have been taken to comply
2 with and maintain the conditions of the permit as originally issued or as amended.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (f) If an employer fails without good cause to appear at a hearing held under
 30 this section after receiving proper notice of the hearing, the OSHA Review Board may
 31 order the employer to pay all reasonable expenses incurred by the board **or the office**

1 **of administrative hearings (AS 44.21.510)** for the hearing, including the board's
 2 actual travel expenses and per diem **and actual travel expenses and per diem for the**
 3 **hearing officer.**

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

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

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

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

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

29 (c) The applicant and any other person having a substantial interest in a
 30 proceeding may appear and be heard, produce evidence, and cross-examine witnesses
 31 in person or by an attorney. The [BOARD OR ITS] hearing officer also may hear

1 other persons who, in the judgment of the [BOARD OR THE] hearing officer, may
2 have relevant evidence to submit.

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

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

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

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

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

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

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

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

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

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

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

1 administrative hearings (AS 44.21.510) conducting a hearing under this title may,
 2 in the course of the hearing, exercise the powers granted to the director under
 3 this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (a) In conducting the hearing, the **hearing officer** [DIRECTOR] shall sit in a

1 quasi-judicial capacity. Within 30 days after termination of the hearing, rehearing, or
 2 reargument, the director shall make an order on hearing, covering matters involved in
 3 the hearing, rehearing, or reargument, and shall give a copy of the order to the same
 4 persons given notice of the hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (A) no duty of support is owed;

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

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

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

30 (4) that, if the person served with the notice under this subsection does
 31 not request a hearing within 30 days, a copy of the medical support order will be sent

1 to the person's employer under AS 25.27.063(b) without further notice or hearing for
2 inclusion of the child in family health coverage if it is available through the person's
3 employer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (c) At the formal hearing, the **hearing officer from the office of**
 31 **administrative hearings (AS 44.21.510)** [DEPARTMENT] may subpoena witnesses

1 and may administer oaths and make inquiries necessary to determine the validity of
 2 the claim. The person aggrieved may present arguments and evidence relevant to the
 3 decision or action of the department. If, after the hearing, the department determines
 4 that a correction is warranted, the department shall make the correction.

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

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

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

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

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

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

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

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

1 transportation and public facilities, as appropriate, within seven days after receipt of
2 the notice of suspension under AS 36.30.645.

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

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

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

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

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

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

27 (b) A person holding a position in the partially exempt service is not required
28 to complete an assessment and is not eligible for a hearing [BY THE PERSONNEL
29 BOARD] in case of dismissal, demotion, or suspension. Positions in the partially
30 exempt service are specifically exempt from the rules established under
31 AS 39.25.150(3) - (10), (12), (13), and (16).

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

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

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

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

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

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

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

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

1 serve at the pleasure of the governor.

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

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

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

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

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

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

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

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

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

31 (4) act as an appeals board, **arrange with the office of administrative**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the administrative proceeding. If, as a result of an administrative proceeding or a court
 2 appeal, the individual prevails, the \$25 appeal fee shall be returned to the individual
 3 by the department.

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

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

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

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

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

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

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

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

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

20 (m) The department may initiate suspension of a business license endorsement
 21 or the right to obtain a business license endorsement under this section by sending the
 22 person subject to the suspension a notice by certified mail, return receipt requested, or
 23 by delivering the notice to the person. The notice must contain information that
 24 informs the person of the grounds for suspension, the length of any suspension sought,
 25 and the person's right to administrative review [BEFORE THE DEPARTMENT]. A
 26 suspension begins 30 days after receipt of notice described in this subsection unless
 27 the person delivers a timely written request for a hearing to the department in the
 28 manner provided by regulations of the department. If a hearing is requested under this
 29 subsection, a hearing officer of the **office of administrative hearings (AS 44.21.510)**
 30 [DEPARTMENT] shall determine the issues by using the preponderance of the
 31 evidence test and shall, **to the extent they do not conflict with regulations adopted**

1 **under AS 44.21.560**, conduct the hearing in the manner provided by regulations of the
2 department. A hearing under this subsection is limited to the following questions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (c) In the commissioner's discretion or upon application made by the recipient

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 administrative hearings shall continue to be compensated at the same range and step of the
2 salary schedule in AS 39.27.011(a) that the employee was receiving before the transfer, and
3 qualifies for salary increases authorized under AS 39.27.011 and 39.27.022.

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