

**CS FOR SENATE BILL NO. 203(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 2/9/04**

**Referred: Finance**

**Sponsor(s): SENATE RULES COMMITTEE BY REQUEST**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to administrative hearings, to hearing officers, and to administrative**  
2 **law judges; establishing the office of administrative hearings and relating to that office;**  
3 **and providing for an effective date."**

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

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

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

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

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

1 (3) foster open and clearly explained agency decisions and improve public  
2 access to the process of administrative adjudication;

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

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

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

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

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

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

14 (b) The chief administrative law judge must

15 (1) be a resident of the state;

16 (2) have experience in administrative law;

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

19 (4) have experience representing clients in administrative or judicial  
20 proceedings.

21 (c) The chief administrative law judge is appointed to a five-year term of  
22 office by the governor. An individual may serve not more than three full or partial  
23 terms as chief administrative law judge. The governor may remove the chief  
24 administrative law judge from office only for good cause and after a hearing  
25 conducted by the attorney general. The basis for removal shall be stated in writing. A  
26 vacancy in the office of chief administrative law judge shall be filled by the governor  
27 and the individual appointed serves for the remainder of the term to which appointed.

28 (d) The chief administrative law judge shall receive a monthly salary that is  
29 not less than Step A nor more than Step F, Range 27, of the salary schedule in  
30 AS 39.27.011(a) for Juneau, Alaska. The chief administrative law judge is in the  
31 partially exempt service.

1           **Sec. 44.21.520. Powers and duties of chief administrative law judge.** The  
2 chief administrative law judge shall

3                   (1) supervise the office;

4                   (2) employ administrative staff, who shall be in the classified service;

5                   (3) employ administrative law judges, who shall be in the partially  
6 exempt service;

7                   (4) preside over administrative hearings handled by the office or, based  
8 upon the qualifications and expertise of the administrative law judges, assign  
9 administrative law judges to preside over hearings, and protect, support, and enhance  
10 the decisional independence of the administrative law judges;

11                  (5) establish and implement performance standards, including  
12 provision for timeliness, and peer review programs for administrative law judges  
13 employed or retained by the office;

14                  (6) make available and facilitate training and continuing education  
15 programs and services in administrative procedure, administrative adjudication,  
16 substantive law, alternate dispute resolution, and technical matters for administrative  
17 law judges and other administrative adjudicators;

18                  (7) survey administrative hearing participants and use other methods to  
19 monitor the quality of administrative hearings held by the office and other state  
20 agencies, and submit to the governor and the legislature on January 31 of each year the  
21 results of the survey along with a report that includes a description of the activities of  
22 the office and recommendations for statutory changes that may be needed in relation  
23 to the administrative hearings held by the office or other state agencies;

24                  (8) review and comment on regulations proposed by state agencies to  
25 govern procedures in administrative hearings;

26                  (9) enter into contracts as necessary to carry out the functions of the  
27 office;

28                  (10) annually prepare and submit to the commissioner of  
29 administration a budget for the office for the next fiscal year that shall include and  
30 separately identify funding for training and continuing education; a copy of the budget  
31 submitted to the commissioner under this paragraph shall also be submitted to the

1 Finance Committee of each house of the legislature; and

2 (11) after consulting with affected agencies, adopt regulations under  
3 AS 44.62 (Administrative Procedure Act) to carry out the duties of the office and  
4 implement this chapter.

5 \* **Sec. 3.** AS 44.21 is amended by adding new sections to read:

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

- 9 (1) AS 04.11.510(b)(1) and (c) (alcoholic beverages license);  
10 (2) AS 05.15 (charitable gaming);  
11 (3) AS 05.20 (recreational devices);  
12 (4) AS 05.90.001 (special racing events);  
13 (5) AS 06 (banks and financial institutions);  
14 (6) AS 08 (occupational licensing), other than AS 08.08 and  
15 AS 08.62.046;  
16 (7) AS 10.06 (Alaska Corporations Code);  
17 (8) AS 10.13 (Alaska BIDCO Act);  
18 (9) AS 10.25.375 (Electric and Telephone Cooperative Act);  
19 (10) AS 10.50.408 (limited liability companies);  
20 (11) AS 14.11.016 (education-related facility grants);  
21 (12) AS 14.18 (discrimination in public education);  
22 (13) AS 14.20.030 (teacher certificates);  
23 (14) AS 14.30 (educational programs);  
24 (15) AS 14.48 (postsecondary educational institutions);  
25 (16) AS 17.20 (Alaska Food, Drug, and Cosmetic Act), other than  
26 AS 17.20.060 and 17.20.360;  
27 (17) AS 18.18.030 (hospice licenses);  
28 (18) AS 18.20 (hospitals and nursing facilities), other than  
29 AS 18.20.180;  
30 (19) AS 18.35.040 (tourist accommodations);  
31 (20) AS 18.60 (safety);

- 1 (21) AS 18.67.040 (Violent Crimes Compensation Board);
- 2 (22) AS 18.80 (State Commission for Human Rights);
- 3 (23) AS 21 (insurance);
- 4 (24) AS 25.27 (child support enforcement);
- 5 (25) AS 32.06 (Uniform Partnership Act);
- 6 (26) AS 34.45 (unclaimed property);
- 7 (27) AS 34.55.024 and 34.55.026 (Uniform Land Sales Practices Act);
- 8 (28) AS 36.30 (State Procurement Code);
- 9 (29) AS 38.05.065 (contracts for sale of state land);
- 10 (30) AS 39.52 (Alaska Executive Branch Ethics Act);
- 11 (31) AS 43.23 (permanent fund dividends);
- 12 (32) AS 43.70 (Alaska Business License Act);
- 13 (33) AS 44.77 (claims against the state);
- 14 (34) AS 45.30.040 (mobile homes);
- 15 (35) AS 45.55 (Alaska Securities Act);
- 16 (36) AS 45.57 (Takeover Bid Disclosure Act);
- 17 (37) AS 47.33 (assisted living homes);
- 18 (38) AS 47.35 (child care);
- 19 (39) AS 47.45 (longevity bonuses).

20 (b) An agency may request the office to conduct an administrative hearing of  
 21 that agency or to conduct several administrative hearings under statutes not listed in  
 22 (a) of this section. The office may provide the service after entering into a written  
 23 agreement with the agency describing the services to be provided and providing for  
 24 reimbursement by the agency to the office of the costs incurred by the office in  
 25 providing the services.

26 (c) To the extent otherwise permitted by law, the agency may delegate to the  
 27 administrative law judge assigned to conduct the hearing on behalf of the agency the  
 28 authority to make a final agency decision in the matter. The final decision may be  
 29 appealed to the superior court by any party.

30 (d) Nothing in AS 44.21.510 - 44.21.599 may be construed to create a right to  
 31 a hearing or to require a hearing that is not required under other law.

1           **Sec. 44.21.540. Administrative law judges.** (a) An administrative law judge  
 2 must be admitted to practice law in this state and must have been admitted to practice  
 3 in this state for at least two years before being employed or retained with the office.  
 4 The chief administrative law judge shall establish additional qualifications for  
 5 administrative law judges employed or retained by the office and for those  
 6 administrative law judges that may be assigned to particular types of cases.  
 7 Notwithstanding AS 39.25.120(b), full-time administrative law judges employed by  
 8 the office are subject to the personnel rules adopted under AS 39.25.150(7), (15), and  
 9 (16).

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

14                   (1) engage in alternative dispute resolution under regulations adopted  
 15 by the chief administrative law judge that is in addition to any alternate dispute  
 16 resolution procedure used by an agency before the case is referred to the office;

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

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

23           (c) An administrative law judge employed by the office must devote full time  
 24 to the duties of the office unless appointed to a position that is less than full-time. An  
 25 administrative law judge employed by the office may not perform duties inconsistent  
 26 with the duties and responsibilities of an administrative law judge.

27           (d) The office may enter into a contract with an individual who meets the  
 28 qualifications established in (a) of this section to serve as an administrative law judge  
 29 in a particular administrative hearing or in several hearings of the same type. The  
 30 individual is subject to AS 39.52 (Alaska Executive Branch Ethics Act).  
 31 Notwithstanding AS 36.30.015(d), the office may contract for or hire an

1 administrative law judge without notifying or securing the approval of the Department  
2 of Law.

3 **Sec. 44.21.550. Code of hearing officer conduct.** (a) The chief  
4 administrative law judge shall, subject to AS 39.52.920 and by regulation, adopt a  
5 code of hearing officer conduct. The code shall apply to the chief administrative law  
6 judge, administrative law judges of the office, and hearing officers of each other  
7 agency.

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

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

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

26 **Sec. 44.21.555. Reimbursement agreements.** The office may enter into  
27 agreements for reimbursement for services related to an administrative hearing from a  
28 school district, municipality, or other governmental entity if the reimbursement is  
29 authorized by other law.

30 **Sec. 44.21.560. Procedure for hearings.** (a) The chief administrative law  
31 judge shall, by regulation, establish procedures for administrative hearings conducted

1 by the office. Each administrative hearing under the jurisdiction of the office or that  
2 has been transferred to the office by an agency shall be conducted in accordance with  
3 statutes that apply to that hearing, including, if applicable, AS 44.62 (Administrative  
4 Procedure Act). In case of conflict between this section and another applicable statute  
5 establishing procedures for administrative hearings, the other statute prevails.  
6 However, to the extent regulations adopted by an agency for the conduct of an  
7 administrative hearing conflict with regulations adopted by the chief administrative  
8 law judge under this subsection, the regulations adopted by the chief administrative  
9 law judge control to the maximum extent possible without conflicting with applicable  
10 statutes.

11 (b) When an agency receives a request for a hearing that will be conducted by  
12 the office under AS 44.21.530, the agency shall immediately notify the office. The  
13 agency shall, within 10 days, compile and transmit to the office a copy of the agency's  
14 decision, the request for a hearing, the agency record relied on to support the decision,  
15 and the names, addresses, and telephone numbers of all parties and their  
16 representatives. Any information provided to the office that is confidential by law  
17 shall be kept confidential by the office.

18 (c) If requested by the agency that will make the final decision, the chief  
19 administrative law judge may permit that agency to participate in an administrative  
20 hearing. The chief administrative law judge shall determine the degree of  
21 participation by the agency and may terminate that participation at any time.  
22 However, a representative of an agency that participates under this subsection may not  
23 serve as the administrative law judge or preside during the hearing.

24 (d) An administrative law judge employed or retained by the office shall,  
25 within 120 days after the date the agency received the request for a hearing, prepare a  
26 proposed decision, unless another time period is provided by law or agreed to by the  
27 parties and the chief administrative law judge. The administrative law judge shall  
28 immediately submit the proposed decision to the agency.

29 (e) A proposed decision in an administrative hearing shall be in a form that  
30 may be adopted as the final decision by the agency with authority to make the final  
31 decision. The proposed decision is a public record. A copy of the proposed decision

1 shall be served by the office on each party in the case or on the attorneys representing  
 2 those parties in the hearing. The agency with authority to make a final decision in the  
 3 case retains agency discretion in the final disposition of the case and shall, within 30  
 4 days after the date the proposed decision is served or at the next regularly scheduled  
 5 meeting that occurs at least 30 days after the proposed decision is served, do one or  
 6 more of the following:

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

8 (2) return the case to the administrative law judge to take additional  
 9 evidence or make additional findings or for other specific proceedings, in which case  
 10 the administrative law judge shall complete the additional work and return the revised  
 11 proposed decision to the agency within 30 days after the original decision was  
 12 returned under this paragraph;

13 (3) exercise its discretion by revising the proposed enforcement action,  
 14 determination of best interests, order, award, remedy, sanction, penalty, or other  
 15 disposition of the case, and adopt the proposed decision as revised;

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

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

24 (f) If a final decision is not issued timely in accordance with (e) of this section,  
 25 the administrative law judge's proposed decision is the final agency decision.

26 **Sec. 44.21.570. Disqualification of administrative law judge.** (a) The chief  
 27 administrative law judge or an administrative law judge employed or retained by the  
 28 office is disqualified from a case in which the administrative law judge cannot accord  
 29 a fair and impartial hearing or for other reasons established in the code of hearing  
 30 officer conduct.

31 (b) A party may request the disqualification of the chief administrative law

1 judge or another administrative law judge by filing an affidavit, before the taking of  
2 evidence at a hearing, stating with particularity the grounds upon which it is claimed  
3 that a fair and impartial hearing cannot be accorded by that administrative law judge.  
4 Notwithstanding AS 44.62.450(c), upon receipt of the affidavit, the administrative law  
5 judge assigned to the administrative hearing shall make a determination. If the affiant  
6 objects to the decision, the matter shall be decided by the chief administrative law  
7 judge, whose decision is final, or if the hearing is assigned to the chief administrative  
8 law judge, by the attorney general, whose decision is final.

9 **Sec. 44.21.580. Agency cooperation.** (a) All agencies shall cooperate with  
10 the chief administrative law judge and with other administrative law judges of the  
11 office in the matters involving the duties of the office.

12 (b) Except as provided under AS 44.21.570 or by regulation adopted under  
13 this chapter, an agency may not select or reject a particular administrative law judge  
14 for assignment to an administrative hearing.

15 (c) After an administrative hearing is referred by an agency to the office for  
16 hearing, the agency may not take further adjudicatory action in the case, except as a  
17 party litigant or to render a final decision as provided by law. This subsection does  
18 not otherwise limit the agency's authority to take action affecting a party to the case.

19 **Sec. 44.21.590. Administrative hearing records.** (a) The office shall  
20 acquire and organize statistical and other information relating to administrative  
21 hearings of the office and of other agencies. The office shall acquire and organize  
22 copies of proposed and final agency decisions in contested cases and copies of court  
23 decisions resulting from those contested cases. The information and decisions shall be  
24 made available to the public, agencies, and legislature. The office shall make final  
25 agency decisions available online through an electronic data base.

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

27 **Sec. 44.21.595. Federal requirements.** Federal requirements applicable to an  
28 administrative hearing prevail to the extent they conflict with any provision of  
29 AS 44.21.510 - 44.21.599.

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

31 (1) "administrative hearing" means a quasi-judicial hearing before an

1 agency;

2 (2) "administrative law judge" means a hearing officer who presides  
3 over the conduct of an administrative hearing and who is retained or employed by an  
4 agency for that purpose;

5 (3) "agency" means an agency of the executive branch of state  
6 government, including an officer, a division, or another subunit of an agency, a board  
7 or commission, a public corporation, and the University of Alaska;

8 (4) "office" means the office of administrative hearings established in  
9 AS 44.21.510.

10 \* **Sec. 4.** AS 04.11.510(b) is amended to read:

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

14 (1) if an application is denied, the notice of denial shall be furnished  
15 the applicant immediately in writing stating the reason for the denial in clear and  
16 concise language; the notice of denial must inform the applicant that the applicant is  
17 entitled to an informal conference with either the director or the board, and that, if not  
18 satisfied by the informal conference, the applicant is then entitled to a formal hearing  
19 **conducted** before **an administrative law judge from the office of administrative**  
20 **hearings (AS 44.21.510)** [THE BOARD]; if the applicant requests a formal hearing,  
21 the **office of administrative hearings** [BOARD] shall adhere to AS 44.62.330 -  
22 44.62.630 (Administrative Procedure Act); all interested persons may be heard at the  
23 hearing and unless waived by the applicant and the board, the formal hearing shall be  
24 held in the area for which the application is requested;

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

31 (3) if a petition containing the signatures of 35 percent of the adult

1 residents having a permanent place of abode outside of but within two miles of an  
 2 incorporated city or an established village is filed with the board, the board shall hold  
 3 a public hearing on the question of whether the issuance, renewal, or transfer of the  
 4 license in the city or village would be in the public interest;

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

8 \* **Sec. 5.** AS 05.20.080 is amended to read:

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

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

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

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

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

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

31 (b) If it appears to the commissioner that a person has engaged in or is about

1 to engage in an act or practice in violation of a provision of this chapter or a regulation  
 2 adopted under it, or a provision of AS 43.70, or a provision of this title or regulation  
 3 adopted under this title dealing with an occupation or board listed in AS 08.01.010, the  
 4 commissioner may, if the commissioner considers it in the public interest, and after  
 5 notification of a proposed order or action by telephone, telegraph, or facsimile to all  
 6 board members, if a board regulates the act or practice involved, unless a majority of  
 7 the members of the board object within 10 days,

8 (1) issue an order directing the person to stop the act or practice;  
 9 however, reasonable notice of and an opportunity for a hearing must first be given to  
 10 the person, except that the commissioner may issue a temporary order before a hearing  
 11 is held; a temporary order remains in effect until a final order affirming, modifying, or  
 12 reversing the temporary order is issued or until 15 days after the person receives the  
 13 notice and has not requested a hearing by that time; a temporary order becomes final if  
 14 the person to whom the notice is addressed does not request a hearing within 15 days  
 15 after receiving the notice; **if the hearing involves AS 08.08, AS 08.62.046, or a**  
 16 **regulation adopted under those statutes,** the commissioner or the commissioner's  
 17 designee shall be the hearing officer at the hearing and shall issue a final order within  
 18 10 days after the hearing; **otherwise the hearing shall be conducted by the office of**  
 19 **administrative hearings (AS 44.21.510);**

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

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

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

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

31 (c) The department may summarily suspend a license before final hearing or

1 during the appeals process if the department finds that the licensee poses a clear and  
 2 immediate danger to the public welfare and safety if the licensee continues to practice.  
 3 An individual whose license is suspended under this subsection is entitled to a hearing  
 4 **conducted** by the **office of administrative hearings (AS 44.21.510)** not  
 5 [DEPARTMENT NO] later than seven days after the effective date of the order. The  
 6 individual may appeal the suspension after the hearing to the superior court.

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

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

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

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

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

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

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

30 (f) The department may summarily suspend a license before a final hearing is  
 31 held or during an appeal if the department finds that the licensee poses a clear and

1 immediate danger to the public health and safety. A person is entitled to a hearing  
 2 **conducted by** [BEFORE] the **office of administrative hearings (AS 44.21.510)**  
 3 [DEPARTMENT] to appeal the summary suspension within seven days after the order  
 4 of suspension is issued. A person may appeal an adverse decision of the department  
 5 on an appeal of a summary suspension to a court of competent jurisdiction.

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

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

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

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

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

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

1 \* **Sec. 17.** AS 08.64.331(c) is amended to read:

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

9 \* **Sec. 18.** AS 08.65.120(c) is amended to read:

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

17 \* **Sec. 19.** AS 08.68.275(c) is amended to read:

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

25 \* **Sec. 20.** AS 08.86.204(b) is amended to read:

26 (b) The board may summarily suspend the license of a licensee who refuses to  
27 submit to a physical or mental examination under AS 08.86.075. A person whose  
28 license is suspended under this subsection 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 **the** [A] hearing, the board upholds the  
31 suspension, the licensee may appeal the suspension to a court of competent

1 jurisdiction.

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

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

9 \* **Sec. 22.** AS 08.88.460(d) is amended to read:

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

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

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

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

18 \* **Sec. 23.** AS 08.88.472(c) is amended to read:

19 (c) The commission may contract under AS 36.30 (State Procurement Code)  
20 with a person for the person to perform [HEARING AND] legal services for the  
21 commission with regard to a claim against the real estate surety fund. The contract  
22 may cover one or more claims.

23 \* **Sec. 24.** AS 08.92.040(c) is amended to read:

24 (c) If the department determines that a person is acting as a promoter in  
25 violation of this chapter, the department may order the person to stop the violation.  
26 Upon receipt of the order, the person affected has the right to be heard and to present  
27 proof to the **administrative law judge from the office of administrative hearings**  
28 **(AS 44.21.510)** [DEPARTMENT] that the violation has not occurred. **Upon** [IN THE  
29 DEPARTMENT'S DISCRETION OR UPON] application made by the recipient of the  
30 order, the **office of administrative hearings may** [DEPARTMENT SHALL]  
31 schedule a hearing at the earliest possible time. After the hearing the department may

1 affirm, modify, or set aside the order.

2 \* **Sec. 25.** AS 10.06.633(b) is amended to read:

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

11 \* **Sec. 26.** AS 10.06.865 is amended to read:

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

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

29 \* **Sec. 27.** AS 10.13.770(b) is amended to read:

30 (b) If the department fails to **promptly notify the office of administrative**  
31 **hearings (AS 44.21.510) of the application and the office fails to** begin a hearing

1 within 15 business days after the application is filed or within a longer period to which  
 2 the licensee or subject person consents, the order shall be considered rescinded.

3 \* **Sec. 28.** AS 14.11.016(b) is amended to read:

4 (b) A district may appeal an adverse decision of the department under (a) of  
 5 this section by filing a written notice of appeal with the commissioner within 15 days  
 6 after the date of the department's decision. The notice of appeal must state the legal  
 7 and factual basis for the appeal and the precise relief sought. The failure of the district  
 8 to include an issue in a notice of appeal constitutes a waiver of the right to have the  
 9 issue considered. Not later than 10 days after receipt by the commissioner of a notice  
 10 of appeal, the chief administrative law judge of the office of administrative  
 11 hearings (AS 44.21.510) [COMMISSIONER] shall appoint an administrative law  
 12 judge [A HEARING OFFICER] who is qualified under AS 44.62.350(c) to consider  
 13 the appeal. If the administrative law judge [HEARING OFFICER] finds that the  
 14 notice of appeal does not raise a reasonable issue of fact or law, the administrative  
 15 law judge [HEARING OFFICER] shall issue a written decision denying the appeal.  
 16 Denial of an appeal by an administrative law judge [A HEARING OFFICER] is a  
 17 final decision that may be appealed under (d) of this section. If the administrative  
 18 law judge [HEARING OFFICER] finds that the notice of appeal raises a reasonable  
 19 issue of fact or law, the administrative law judge [HEARING OFFICER] shall  
 20 conduct a hearing on those issues and recommend a decision to the board. The  
 21 administrative law judge [HEARING OFFICER] shall issue a decision on the appeal  
 22 not later than 60 days after being appointed. The board shall consider the  
 23 recommended decision of the administrative law judge [HEARING OFFICER] at its  
 24 next regularly scheduled meeting and may adopt all, part, or none of the recommended  
 25 decision or may remand the issue to the administrative law judge [HEARING  
 26 OFFICER] for further hearings. The board shall issue its decision in writing within 10  
 27 days after consideration of the administrative law judge's [HEARING OFFICER'S]  
 28 decision.

29 \* **Sec. 29.** AS 14.18.090(a) is amended to read:

30 (a) The board shall enforce compliance by school districts and regional  
 31 educational attendance areas with the provisions of this chapter and the regulations

1 and procedures adopted under it by appropriate order made in accordance with  
 2 AS 44.62. After a hearing conducted by the office of administrative hearings  
 3 (AS 44.21.510) and a finding by the board that a district or a regional educational  
 4 attendance area is not in compliance with this chapter and is not actively working to  
 5 come into compliance, the board shall institute appropriate proceedings to abate the  
 6 practices found by the board to be a violation of this chapter.

7 \* **Sec. 30.** AS 14.30.193(b) is amended to read:

8 (b) If a due process hearing is requested by either a school district or a parent,  
 9 the school district shall contact the office of administrative hearings (AS 44.21.510)  
 10 [DEPARTMENT] to request appointment of an administrative law judge [A  
 11 HEARING OFFICER]. The chief administrative law judge [DEPARTMENT] shall  
 12 select an administrative law judge [A HEARING OFFICER] through a random  
 13 selection process, from a list maintained by the office [DEPARTMENT] under (g) of  
 14 this section. Within five working days after receipt of the request, the chief  
 15 administrative law judge [DEPARTMENT] shall provide to the school district and  
 16 the parent a notice of appointment, including the name and a statement of  
 17 qualifications, of the administrative law judge who [HEARING OFFICER THAT  
 18 THE DEPARTMENT DETERMINES] is available to conduct the hearing.

19 \* **Sec. 31.** AS 14.30.193(c) is amended to read:

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

1 \* **Sec. 32.** AS 14.30.193(g) is amended to read:

2 (g) The department [SHALL MAINTAIN A LIST OF QUALIFIED  
3 HEARING OFFICERS AND] shall provide for **training** [QUALIFICATION] of  
4 **administrative law judges in the office of administrative hearings** [HEARING  
5 OFFICERS THROUGH A TRAINING PROGRAM THAT IS OPEN TO ALL  
6 INDIVIDUALS WHO MEET THE CRITERIA SET BY THE DEPARTMENT BY  
7 REGULATION. THE LIST OF QUALIFIED HEARING OFFICERS SHALL BE  
8 MAINTAINED AS A PUBLIC RECORD].

9 \* **Sec. 33.** AS 14.48.130(b) is amended to read:

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

17 \* **Sec. 34.** AS 18.18.030(b) is amended to read:

18 (b) The department may, without a hearing, summarily suspend a license of a  
19 hospice program if it finds that the actions or deficiencies of the program have caused,  
20 or present an immediate threat of causing, serious injury to a hospice program client.  
21 A licensee is entitled to a hearing **conducted by the office of administrative**  
22 **hearings (AS 44.21.510)** [BEFORE THE DEPARTMENT] to appeal the summary  
23 suspension within seven days after the order of suspension is issued. A licensee may  
24 appeal an adverse decision of the department on an appeal of a summary suspension to  
25 the superior court. A summary suspension remains in effect until the department finds  
26 that the actions or deficiencies are corrected, the license is revoked, or the licensee is  
27 successful in appealing the suspension.

28 \* **Sec. 35.** AS 18.18.030(c) is amended to read:

29 (c) The department may, without a hearing, reduce a hospice license to a  
30 provisional license for a period of time established by the department if the department  
31 finds that the licensee is temporarily unable to comply with 18.18.005 - 18.18.390 or

1 is in the process of becoming decertified under the Medicare program but is taking  
 2 appropriate steps to bring the program into compliance with 18.18.005 - 18.18.390 or  
 3 Medicare certification requirements. A licensee is entitled to a hearing **conducted by**  
 4 **the office of administrative hearings** [BEFORE THE DEPARTMENT] to appeal a  
 5 reduction to a provisional license under this subsection within seven days after the  
 6 order to reduce the license is issued. A licensee may appeal an adverse decision of the  
 7 department on an appeal of the order reducing the license to a provisional license to  
 8 the superior court. A program with a provisional license under this subsection may  
 9 not accept new clients. If the program fails to correct its deficiencies and does not  
 10 successfully appeal the order reducing the license to provisional status within the  
 11 period stipulated in the provisional license, the department shall revoke the license.

12 \* **Sec. 36.** AS 18.60.093(f) is amended to read:

13 (f) If an employer fails without good cause to appear at a hearing held under  
 14 this section after receiving proper notice of the hearing, the OSHA Review Board may  
 15 order the employer to pay all reasonable expenses incurred by the board **or the office**  
 16 **of administrative hearings (AS 44.21.510)** for the hearing, including the board's  
 17 actual travel expenses and per diem **and actual travel expenses and per diem for the**  
 18 **administrative law judge.**

19 \* **Sec. 37.** AS 18.67.040(a) is amended to read:

20 (a) Upon application made under the provisions of this chapter, the board shall  
 21 consider the application and rule on it. The board may, upon its own motion, order a  
 22 hearing, specifying the time and place it is to be held **after consulting with the office**  
 23 **of administrative hearings (AS 44.21.510).** **If** [; IF] a hearing is ordered, the board  
 24 shall give notice to the applicant. If, after consideration without a hearing, the  
 25 decision is unfavorable to the applicant, in whole or in part, the board shall furnish the  
 26 applicant a written statement of the reason for the ruling. If, within 30 days after  
 27 receipt of this statement, the applicant requests a hearing on the application, the board  
 28 shall specify a time and place for a hearing **after consulting with the office of**  
 29 **administrative hearings,** and shall give notice to the applicant. If a request for a  
 30 hearing is not made within the specified time, the decision of the board is final.

31 \* **Sec. 38.** AS 18.67.040(b) is amended to read:

1 (b) For the purpose of carrying out the provisions of this chapter, the **office of**  
 2 **administrative hearings (AS 44.21.510) shall** [BOARD OR ITS HEARING  
 3 OFFICER MAY] hold the hearings, sit and act at the times and places, and take the  
 4 testimony that the **administrative law judge** [BOARD OR THE HEARING  
 5 OFFICER] considers advisable. The **administrative law judge** [BOARD OR ITS  
 6 HEARING OFFICER] may administer oaths or affirmations to witnesses. The  
 7 **administrative law judge** [BOARD] has full powers of subpoena and compulsion of  
 8 attendance of witnesses and production of documents, but a subpoena may not be  
 9 issued except under the signature of a member of the board. Application to a court for  
 10 aid in enforcing the subpoena may be made in the name of the board only by a board  
 11 member. Subpoenas are served by any person designated by the **administrative law**  
 12 **judge or the** board.

13 \* **Sec. 39.** AS 18.67.040(c) is amended to read:

14 (c) The applicant and any other person having a substantial interest in a  
 15 proceeding may appear and be heard, produce evidence, and cross-examine witnesses  
 16 in person or by an attorney. The **administrative law judge** [BOARD OR ITS  
 17 HEARING OFFICER] also may hear other persons who, in the judgment of the  
 18 **administrative law judge,** [BOARD OR THE HEARING OFFICER] may have  
 19 relevant evidence to submit.

20 \* **Sec. 40.** AS 18.80.060(c) is amended to read:

21 (c) A commissioner or an employee authorized by the commission may  
 22 administer oaths, certify to all official acts, and issue subpoenas, subpoenas duces  
 23 tecum, and other process to compel the attendance of witnesses and the production of  
 24 testimony, records, papers, accounts, and documents in any inquiry **or** [,] investigation  
 25 [, HEARING, OR PROCEEDING] before the commission in the state. **The**  
 26 **administrative law judge of the office of administrative hearings (AS 44.21.510)**  
 27 **may administer oaths, certify to all official acts, and issue subpoenas, subpoenas**  
 28 **duces tecum, and other process to compel the attendance of witnesses and the**  
 29 **production of testimony, records, papers, accounts, and documents in any**  
 30 **hearing held under this chapter.** The commission, a commissioner, or an employee  
 31 authorized by the commission may petition a court of this state to enforce its

1 subpoena, subpoenas duces tecum, and other process. **The administrative law**  
 2 **judge may petition a court of this state to enforce subpoenas, subpoenas duces**  
 3 **tecum, and other process issued by the administrative law judge.**

4 \* **Sec. 41.** AS 18.80.120 is amended to read:

5 **Sec. 18.80.120. Hearing.** If the informal efforts to eliminate the alleged  
 6 discrimination are unsuccessful, the executive director shall inform the commission of  
 7 the failure, and the commission shall provide the respondent and the complainant with  
 8 notice of the failure and shall serve written notice, together with a copy of the  
 9 complaint, requiring the person, employer, labor organization, or employment agency  
 10 charged in the complaint to answer the allegations of the complaint at a hearing  
 11 [BEFORE THE COMMISSION]. The hearing shall be held by the **office of**  
 12 **administrative hearings (AS 44.21.510)** [COMMISSION] at the **location of the**  
 13 [COMMISSION] office unless a party requests a change of venue for good cause  
 14 shown, and the **office** [COMMISSION] grants the request. The case in support of the  
 15 complaint shall be presented before the **office** [COMMISSION] by the executive  
 16 director **of the commission** or a designee who shall be a bona fide resident of the  
 17 state. The person charged in the complaint may file a written answer to the complaint  
 18 and may appear at the hearing in person or otherwise, with or without counsel, and  
 19 submit testimony. The executive director has the power reasonably and fairly to  
 20 amend the complaint, and the person charged has the power reasonably and fairly to  
 21 amend the answer. The **office of administrative hearings** [COMMISSION] is not  
 22 bound by the strict rules of evidence prevailing in courts of law or equity. The  
 23 testimony taken at the hearing shall be under oath and shall be recorded.

24 \* **Sec. 42.** AS 18.80.145(b) is amended to read:

25 (b) If, within the period allowed, [THE COMMISSION CONDUCTS] a  
 26 hearing **is conducted** and [REACHES] a decision **is reached** under AS 18.80.120 and  
 27 18.80.130, the decision of the commission is binding on the parties to the court action  
 28 as to all issues resolved in the hearing but not as to any issues not resolved in the  
 29 hearing.

30 \* **Sec. 43.** AS 18.80.145(c) is amended to read:

31 (c) When proceedings in the superior court are deferred for a hearing and

1 decision [BY THE COMMISSION] under this section, the plaintiff may proceed, after  
 2 the decision of the commission, as an aggrieved party for the purpose of obtaining  
 3 judicial review under AS 18.80.135, whether or not the person was a party to, or  
 4 complainant in, the **administrative** [COMMISSION] proceedings.

5 \* **Sec. 44.** AS 21.06.170(a) is amended to read:

6 (a) With respect to the subject of an examination **or** [,] investigation [, OR  
 7 HEARING] being conducted by the director or an examiner, if general written  
 8 authority has been given the examiner by the director, the director or the examiner  
 9 may subpoena witnesses and administer oaths or affirmations and examine any person  
 10 under oath, and may compel the production of records, books, papers, contracts, and  
 11 other documents by attachments, if necessary. If, in connection with an examination  
 12 of an insurer, the director desires to examine an officer, director, or manager who is  
 13 then outside this state, the director is authorized to conduct and to enforce by  
 14 appropriate and available means an examination under oath in another state or a  
 15 territory of the United States in which the officer, director, or manager may then  
 16 presently be, to the full extent permitted by the laws of the other state or territory, this  
 17 special authorization considered. **An administrative law judge from the office of**  
 18 **administrative hearings (AS 44.21.510) conducting a hearing under this title may,**  
 19 **in the course of the hearing, exercise the powers granted to the director under**  
 20 **this subsection.**

21 \* **Sec. 45.** AS 21.06.170(d) is amended to read:

22 (d) If a person disobeys or resists a lawful order of the **administrative law**  
 23 **judge** [DIRECTOR], refuses to respond to a subpoena, refuses to take oath or  
 24 affirmation as a witness, refuses to be examined, or is guilty of misconduct at a  
 25 hearing or so near the hearing as to obstruct the proceeding, the **administrative law**  
 26 **judge** [DIRECTOR] shall certify the facts to the superior court where the hearing is  
 27 held, and, upon certification, the court shall issue an order directing the person to  
 28 appear before the court and show cause why the person should not be punished for  
 29 contempt.

30 \* **Sec. 46.** AS 21.06.180(a) is amended to read:

31 (a) The **office of administrative hearings (AS 44.21.510)** [DIRECTOR] may

1 hold hearings for any purpose within the scope of this title considered to be necessary  
 2 **by the director.**

3 \* **Sec. 47.** AS 21.06.180(b) is amended to read:

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

12 \* **Sec. 48.** AS 21.06.200 is amended to read:

13 **Sec. 21.06.200. Notice of hearing.** Not less than 20 days in advance, the  
 14 **administrative law judge** [DIRECTOR] shall give notice of the time and place of the  
 15 hearing, stating the matters to be considered at the hearing. If the persons to be given  
 16 notice are not specified in the provision under which the hearing is held, the  
 17 **administrative law judge, with assistance from the** director, shall give notice to all  
 18 persons whose pecuniary interests are to be directly and immediately affected by the  
 19 hearing.

20 \* **Sec. 49.** AS 21.06.210(a) is amended to read:

21 (a) The **administrative law judge** [DIRECTOR] shall allow a party to the  
 22 hearing to appear in person and by counsel, to be present during the giving of all  
 23 evidence, to have a reasonable opportunity to inspect all documentary evidence and to  
 24 examine witnesses, to present evidence in support of the party's interest, and to have  
 25 subpoenas issued by the **administrative law judge** [DIRECTOR] to compel  
 26 attendance of witnesses and production of evidence in the party's behalf.

27 \* **Sec. 50.** AS 21.06.210(b) is amended to read:

28 (b) The **administrative law judge** [DIRECTOR] shall permit to become a  
 29 party to the hearing by intervention, if timely, any person who was not an original  
 30 party to the proceeding and whose pecuniary interests are to be directly and  
 31 immediately affected by the director's order made upon the hearing.

1 \* **Sec. 51.** AS 21.06.210(d) is amended to read:

2 (d) Upon written request seasonably made by a party to the hearing and at that  
3 person's expense, the **administrative law judge** [DIRECTOR] shall cause a full  
4 stenographic record of the proceedings to be made by a competent reporter. If  
5 transcribed, a copy of the stenographic record shall be furnished to the director,  
6 without cost to the director or the state, and shall be a part of the director's record of  
7 the hearing. If transcribed, a copy of the stenographic record shall be furnished to any  
8 other party to the hearing at the request and expense of the other party. If no  
9 stenographic record is made or transcribed, the **administrative law judge**  
10 [DIRECTOR] shall prepare an adequate record of the evidence and of the proceedings.

11 \* **Sec. 52.** AS 21.06.210(f) is amended to read:

12 (f) If the parties agree, the **administrative law judge** [DIRECTOR] may  
13 conduct a hearing under this section by teleconference.

14 \* **Sec. 53.** AS 21.06.210(h) is amended to read:

15 (h) The **administrative law judge** [DIRECTOR] may close a hearing to the  
16 public when the **administrative law judge** [DIRECTOR] finds the closure is  
17 necessary to protect a person against unwarranted injury or is in the public interest.

18 \* **Sec. 54.** AS 21.06.220(a) is amended to read:

19 (a) In conducting the hearing, the **administrative law judge** [DIRECTOR]  
20 shall sit in a quasi-judicial capacity. Within 30 days after termination of the hearing,  
21 rehearing, or reargument, the director shall make an order on hearing, covering matters  
22 involved in the hearing, rehearing, or reargument, and shall give a copy of the order to  
23 the same persons given notice of the hearing.

24 \* **Sec. 55.** AS 24.60.030 is amended by adding a new subsection to read:

25 (i) Except for supplying information requested by the administrative law judge  
26 or responding to contacts initiated by the administrative law judge, a legislator or  
27 legislative employee may not attempt to influence the outcome of an administrative  
28 hearing conducted by the office of administrative hearings (AS 44.21.510) by directly  
29 or indirectly contacting or attempting to contact the administrative law judge assigned  
30 to the hearing unless the

31 (1) contact is made in the presence of all parties to the hearing or the

1 parties' representatives and the contact is made a part of the record; or

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

5 \* **Sec. 56.** AS 25.27.160(b) is amended to read:

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

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

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

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

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

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

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

21 \* **Sec. 57.** AS 25.27.160(c) is amended to read:

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

24 (1) that health care insurance shall be provided for the child to whom  
25 the duty of support is owed if health care insurance is available to the alleged obligor  
26 at a reasonable cost and that the alleged obligor and the other parent shall share  
27 equally the cost of the health care insurance and the costs of reasonable health care  
28 expenses not covered by insurance;

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

30 (3) that the alleged obligor may appear and show cause in a hearing  
31 held by the **office of administrative hearings** [AGENCY] why the finding is

1 incorrect, should not be finally ordered, and should be modified or rescinded, because

2 (A) no duty of support is owed;

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

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

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

9 (4) that, if the person served with the notice under this subsection does  
10 not request a hearing within 30 days, a copy of the medical support order will be sent  
11 to the person's employer under AS 25.27.063(b) without further notice or hearing for  
12 inclusion of the child in family health coverage if it is available through the person's  
13 employer.

14 \* **Sec. 58.** AS 34.45.400(c) is amended to read:

15 (c) At the formal hearing, the **administrative law judge from the office of**  
16 **administrative hearings (AS 44.21.510)** [DEPARTMENT] may subpoena witnesses  
17 and may administer oaths and make inquiries necessary to determine the validity of  
18 the claim. The person aggrieved may present arguments and evidence relevant to the  
19 decision or action of the department. **If, after the hearing,** the department determines  
20 that a correction is warranted, the department shall make the correction.

21 \* **Sec. 59.** AS 36.30.015(d) is amended to read:

22 (d) An agency may not contract for the services of legal counsel without the  
23 approval of the attorney general. **An agency may not contract for the services of a**  
24 **hearing officer or administrative law judge for a administrative, quasi-judicial**  
25 **hearing without the approval of the attorney general and the chief administrative**  
26 **law judge of the office of administrative hearings (AS 44.21.510).**

27 \* **Sec. 60.** AS 36.30.615 is amended to read:

28 **Sec. 36.30.615. Hearing on protest appeal.** A hearing on a protest appeal  
29 shall be conducted in accordance with AS 36.30.670 and regulations adopted by the  
30 commissioner **to the extent the regulations do not conflict with regulations**  
31 **adopted under AS 44.21.560.**

1 \* **Sec. 61.** AS 36.30.630(a) is amended to read:

2 (a) Except as provided in (b) of this section, a hearing shall be conducted  
3 according to AS 36.30.670 and, **to the extent they do not conflict with regulations**  
4 **adopted under AS 44.21.560,** regulations adopted by the commissioner of  
5 administration on a contract claim appealed to the commissioner of administration or  
6 the commissioner of transportation and public facilities or referred to either  
7 commissioner under AS 36.30.620(f).

8 \* **Sec. 62.** AS 36.30.635(a) is amended to read:

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

17 \* **Sec. 63.** AS 36.30.650 is amended to read:

18 **Sec. 36.30.650. Hearing on a suspension.** (a) A person suspended under  
19 AS 36.30.635 is entitled to a hearing conducted according to AS 36.30.670 and, **to the**  
20 **extent that they do not conflict with regulations adopted under AS 44.21.560,**  
21 regulations adopted by the commissioner of administration if the person files a written  
22 request for a hearing with the commissioner of administration or the commissioner of  
23 transportation and public facilities, as appropriate, within seven days after receipt of  
24 the notice of suspension under AS 36.30.645.

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

1 \* **Sec. 64.** AS 36.30.670(a) is amended to read:

2 (a) The **chief administrative law judge (AS 44.21.510)** [COMMISSIONER  
3 OF ADMINISTRATION OR THE COMMISSIONER OF TRANSPORTATION  
4 AND PUBLIC FACILITIES] shall **assign an administrative law judge** [ACT AS A  
5 HEARING OFFICER OR APPOINT A HEARING OFFICER] for a hearing  
6 conducted under this chapter. The **administrative law judge** [HEARING OFFICER]  
7 shall arrange for a prompt hearing and notify the parties in writing of the time and  
8 place of the hearing. The hearing shall be conducted in an informal manner. The  
9 provisions of AS 44.62 (Administrative Procedure Act) do not apply to a hearing  
10 conducted under this chapter.

11 \* **Sec. 65.** AS 36.30.675(a) is amended to read:

12 (a) **The administrative law judge** [IF THE COMMISSIONER OF  
13 ADMINISTRATION OR THE COMMISSIONER OF TRANSPORTATION AND  
14 PUBLIC FACILITIES IS NOT ACTING AS HEARING OFFICER, THE HEARING  
15 OFFICER] shall recommend a decision to the commissioner **of administration or the**  
16 **commissioner of transportation and public facilities, as appropriate,** based on the  
17 evidence presented. The recommendation must include findings of fact and  
18 conclusions of law.

19 \* **Sec. 66.** AS 39.52.120 is amended by adding a new subsection to read:

20 (e) Except for supplying information requested by the administrative law  
21 judge or responding to contacts initiated by the administrative law judge, a public  
22 officer may not attempt to influence the outcome of an administrative hearing  
23 conducted by the office of administrative hearings (AS 44.21.510) by directly or  
24 indirectly contacting or attempting to contact the administrative law judge assigned to  
25 the hearing unless the

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

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

30 \* **Sec. 67.** AS 39.52.170 is amended by adding a new subsection to read:

31 (d) A public employee who is in a permanent full-time position as a hearing

1 officer or administrative law judge may not accept employment as a hearing officer,  
 2 administrative law judge, or judicial officer for the federal government, another state,  
 3 or a Native tribe.

4 \* **Sec. 68.** AS 39.52.350(c) is amended to read:

5 (c) If the subject of the accusation denies that a violation of this chapter has  
 6 occurred, the attorney general shall refer the matter to the personnel board, which  
 7 **shall notify the chief administrative law judge (AS 44.21.510), who** shall appoint  
 8 **an administrative law judge** [A HEARING OFFICER] to conduct a hearing.

9 \* **Sec. 69.** AS 43.23.015(g) is amended to read:

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

25 \* **Sec. 70.** AS 43.70.075(m) is amended to read:

26 (m) The department may initiate suspension of a business license endorsement  
 27 or the right to obtain a business license endorsement under this section by sending the  
 28 person subject to the suspension a notice by certified mail, return receipt requested, or  
 29 by delivering the notice to the person. The notice must contain information that  
 30 informs the person of the grounds for suspension, the length of any suspension sought,  
 31 and the person's right to administrative review [BEFORE THE DEPARTMENT]. A

1 suspension begins 30 days after receipt of notice described in this subsection unless  
 2 the person delivers a timely written request for a hearing to the department in the  
 3 manner provided by regulations of the department. If a hearing is requested under this  
 4 subsection, **an administrative law judge** [A HEARING OFFICER] of the **office of**  
 5 **administrative hearings (AS 44.21.510)** [DEPARTMENT] shall determine the issues  
 6 by using the preponderance of the evidence test and shall, **to the extent they do not**  
 7 **conflict with regulations adopted under AS 44.21.560,** conduct the hearing in the  
 8 manner provided by regulations of the department. A hearing under this subsection is  
 9 limited to the following questions:

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

14 (2) if the department does not allege a conviction of AS 11.76.100,  
 15 11.76.106, or 11.76.107, did the person, or an agent or employee of the person while  
 16 acting within the scope of the agency or employment of the person, violate a provision  
 17 of (a) or (g) of this section;

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

23 \* **Sec. 71.** AS 43.70.075(q) is amended to read:

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

28 \* **Sec. 72.** AS 44.21.530(a), added by sec. 3 of this Act, is amended to read:

29 (a) The office shall conduct all adjudicative administrative hearings required  
 30 under the following statutes or under regulations adopted to implement the statutes:

31 (1) AS 04.11.510(b)(1) and (c) (alcoholic beverages license);

- 1 (2) AS 05.15 (charitable gaming);
- 2 (3) AS 05.20 (recreational devices);
- 3 (4) AS 05.90.001 (special racing events);
- 4 (5) AS 06 (banks and financial institutions);
- 5 (6) AS 08 (occupational licensing), other than AS 08.08 and
- 6 AS 08.62.046;
- 7 (7) AS 10.06 (Alaska Corporations Code);
- 8 (8) AS 10.13 (Alaska BIDCO Act);
- 9 (9) AS 10.25.375 (Electric and Telephone Cooperative Act);
- 10 (10) AS 10.50.408 (limited liability companies);
- 11 (11) AS 14.11.016 (education-related facility grants);
- 12 (12) AS 14.18 (discrimination in public education);
- 13 (13) AS 14.20.030 (teacher certificates);
- 14 (14) AS 14.30 (educational programs);
- 15 (15) AS 14.48 (postsecondary educational institutions);
- 16 (16) AS 17.20 (Alaska Food, Drug, and Cosmetic Act), other than
- 17 AS 17.20.060 and 17.20.360;
- 18 (17) AS 18.18.030 (hospice licenses);
- 19 (18) AS 18.20 (hospitals and nursing facilities), other than
- 20 AS 18.20.180;
- 21 (19) AS 18.35.040 (tourist accommodations);
- 22 (20) AS 18.60 (safety);
- 23 (21) AS 18.67.040 (Violent Crimes Compensation Board);
- 24 (22) AS 18.80 (State Commission for Human Rights);
- 25 (23) AS 21 (insurance);
- 26 (24) AS 25.27 (child support enforcement);
- 27 (25) AS 32.06 (Uniform Partnership Act);
- 28 (26) AS 34.45 (unclaimed property);
- 29 (27) AS 34.55.024 and 34.55.026 (Uniform Land Sales Practices Act);
- 30 (28) AS 36.30 (State Procurement Code), other than
- 31 AS 36.30.627(a)(2);

- 1 (29) AS 38.05.065 (contracts for sale of state land);  
 2 (30) AS 39.52 (Alaska Executive Branch Ethics Act);  
 3 (31) AS 43.23 (permanent fund dividends);  
 4 (32) AS 43.70 (Alaska Business License Act);  
 5 (33) AS 44.77 (claims against the state);  
 6 (34) AS 45.30.040 (mobile homes);  
 7 (35) AS 45.55 (Alaska Securities Act);  
 8 (36) AS 45.57 (Takeover Bid Disclosure Act);  
 9 (37) **AS 46 (water, air, energy, and environmental conservation),**  
 10 **other than AS 46.03.820, 46.03.850, AS 46.39, and AS 46.40;**  
 11 **(38)** AS 47.33 (assisted living homes);  
 12 **(39)** [(38)] AS 47.35 (child care);  
 13 **(40)** [(39)] AS 47.45 (longevity bonuses).

14 \* **Sec. 73.** AS 44.62.350(a) is amended to read:

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

20 \* **Sec. 74.** AS 44.62.450(a) is amended to read:

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

25 \* **Sec. 75.** AS 44.62.500(b) is amended to read:

26 (b) If a contested case is heard by a hearing officer alone, the hearing officer  
 27 shall prepare a proposed decision in a form that may be adopted as the decision in the  
 28 case. A copy of the proposed decision shall be filed by the agency as a public record  
 29 with the lieutenant governor, and a copy of the proposed decision shall be served by  
 30 the agency on each party in the case and the party's attorney. **Except as otherwise**  
 31 **provided in AS 44.21.560(e), for a hearing conducted by the office of**

1        **administrative hearings, the** [THE] agency itself may adopt the proposed decision in  
2        its entirety, or may reduce the proposed penalty and adopt the balance of the proposed  
3        decision.

4        \* **Sec. 76.** AS 44.62.500(c) is amended to read:

5                (c) If the proposed decision is not adopted as provided in (b) of this section the  
6        agency may decide the case upon the record, including the transcript, with or without  
7        taking additional evidence, or may refer the case to the same or another hearing officer  
8        to take additional evidence. If the case is so assigned the hearing officer shall prepare  
9        a proposed decision as provided in (b) of this section upon the additional evidence and  
10       the transcript and other papers that are part of the record of the earlier hearing. A copy  
11       of the proposed decision shall be furnished to each party and the party's attorney as  
12       prescribed by (b) of this section. The agency may not decide a case provided for in  
13       this subsection without giving the parties the opportunity to present either oral or  
14       written argument before the agency. If additional oral evidence is introduced before  
15       the agency, an agency member may not vote unless that member has heard the  
16       additional oral evidence. **This subsection does not apply to a hearing conducted by**  
17       **the office of administrative hearings.**

18       \* **Sec. 77.** AS 44.77.040(a) is amended to read:

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

24       \* **Sec. 78.** AS 45.30.040(c) is amended to read:

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

30                (1) if the department finds that there has been a violation of the  
31       provisions of this chapter, the department may issue an order directing that the person

1 who is violating the provision cure the violation in a reasonable time and in a  
2 reasonable manner;

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

8 \* **Sec. 79.** AS 45.55.935 is amended to read:

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

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

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

23 (b) In conducting a hearing in accordance with (a) of this section, the  
24 **administrative law judge** [ADMINISTRATOR] may issue a subpoena to compel the  
25 attendance of any witness or party and to compel production of evidence.

26 \* **Sec. 80.** AS 45.55.950(e) is amended to read:

27 (e) Every hearing in an administrative proceeding shall be public unless the  
28 **administrative law judge**, [ADMINISTRATOR] in the exercise of discretion, grants  
29 a request joined in by all the respondents that the hearing be conducted privately.

30 \* **Sec. 81.** AS 45.57.020(a) is amended to read:

31 (a) An offeror may not make a takeover bid unless at least 20 days before the

1 bid the offeror files with the department and with the registered agent of the offeree  
 2 company a statement containing all the information required by (c) of this section and  
 3 either

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

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

11 \* **Sec. 82.** AS 45.57.020(b) is amended to read:

12 (b) A hearing shall begin within 20 days of the date of filing of the statement,  
 13 and adjudication shall be made within 30 days of the filing unless extended by the  
 14 **administrative law judge** [DEPARTMENT] for the convenience of the parties or  
 15 protection of the offerees.

16 \* **Sec. 83.** AS 46.14.410(a) is amended to read:

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

26 \* **Sec. 84.** AS 46.15.065(c) is amended to read:

27 (c) The commissioner shall make investigations as necessary of rights asserted  
 28 by declarations filed under this section and shall determine each existing appropriation  
 29 and mail a summary of the determination to each person who has filed a declaration  
 30 with respect to the specified area or source. Any person adversely affected by a  
 31 determination may file with the commissioner a request for a hearing within 20 days

1 of the date the notice is mailed. If a hearing is requested, the commissioner shall,  
 2 **after consulting with the office of administrative hearings (AS 44.21.510)**, send a  
 3 notice of the time and place of the hearing to each person who has filed a declaration.

4 \* **Sec. 85.** AS 47.45.050 is amended to read:

5 **Sec. 47.45.050. Department hearing.** The Department of Health and Social  
 6 Services may **arrange with the office of administrative hearings (AS 44.21.510) to**  
 7 hold a [DEPARTMENTAL] hearing upon the request of an applicant or recipient who  
 8 has been disqualified. Before this hearing the department shall by certified mail notify  
 9 an applicant or recipient in plain and comprehensive language the exact reason for the  
 10 disqualification. Form letters using only referral to state statutes or department  
 11 regulations, or otherwise vague in detail, are not considered compliance by the  
 12 department with this section.

13 \* **Sec. 86.** The uncodified law of the State of Alaska is amended by adding a new section to  
 14 read:

15 APPLICABILITY. (a) Sections 1 - 71, 73 - 82, and 85 of this Act apply to  
 16 administrative proceedings that begin on or after July 1, 2005.

17 (b) Sections 72, 83, and 84 of this Act apply to administrative proceedings that begin  
 18 on or after July 1, 2007.

19 \* **Sec. 87.** The uncodified law of the State of Alaska is amended by adding a new section to  
 20 read:

21 REGULATIONS. The chief administrative law judge and any agency affected by this  
 22 Act may proceed to adopt regulations to implement this Act. A regulation adopted under this  
 23 section takes effect under AS 44.62 (Administrative Procedure Act) but not before the  
 24 effective date of the law implemented by the regulation.

25 \* **Sec. 88.** The uncodified law of the State of Alaska is amended by adding a new section to  
 26 read:

27 TRANSITION. (a) Litigation, hearings, investigations, and other proceedings  
 28 pending under a law amended or repealed by this Act, or in connection with functions  
 29 transferred by this Act, continue in effect and may be continued and completed,  
 30 notwithstanding a transfer, amendment, or repeal provided for in this Act.

31 (b) Certificates, orders, and regulations issued or adopted under authority of a law

1 amended or repealed by this Act remain in effect for the term issued, or until revoked,  
2 vacated, or otherwise modified under the provisions of this Act.

3 (c) Contracts, rights, liabilities, and obligations created by or under a law amended or  
4 repealed on July 1, 2005, by this Act and in effect on July 1, 2005, remain in effect.  
5 Contracts, rights, liabilities, and obligations created by or under a law amended or repealed on  
6 July 1, 2007, by this Act and in effect on July 1, 2007, remain in effect.

7 (d) Upon the initial appointment of the chief administrative law judge under  
8 AS 44.21.510(c), added by sec. 2 of this Act, the chief administrative law judge and the  
9 commissioner of administration, the commissioner of community and economic development,  
10 the commissioner of revenue, and the governor's office shall identify administrative law  
11 judges and support staff to be transferred to the office of administrative hearings on or after  
12 January 1, 2005. A state employee who is transferred under this section from another agency  
13 to the office of administrative hearings shall continue to be compensated at the same range  
14 and step of the salary schedule in AS 39.27.011(a) that the employee was receiving before the  
15 transfer, and qualifies for salary increases authorized under AS 39.27.011 and 39.27.022.

16 (e) Procedural regulations of an agency that refers an administrative hearing to the  
17 office of administrative hearings shall apply to the hearing until regulations adopted under  
18 AS 44.21.560(a), added by sec. 3 of this Act, become effective.

19 \* **Sec. 89.** Sections 1, 2, 87, and 88 of this Act take effect immediately under  
20 AS 01.10.070(c).

21 \* **Sec. 90.** Sections 72, 83, and 84 of this Act take effect July 1, 2007.

22 \* **Sec. 91.** Except as provided in secs. 89 and 90 of this Act, this Act takes effect July 1,  
23 2005.