

CS FOR SENATE BILL NO. 203(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered: 3/3/04

Referred: Today's Calendar

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), other than AS 21.06.180(a);
 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), other than
 9 AS 36.30.627(a)(2);
 10 (29) AS 38.05.065 (contracts for sale of state land);
 11 (30) AS 39.52 (Alaska Executive Branch Ethics Act);
 12 (31) AS 43.23 (permanent fund dividends);
 13 (32) AS 43.70 (Alaska Business License Act);
 14 (33) AS 44.77 (claims against the state);
 15 (34) AS 45.30.040 (mobile homes);
 16 (35) AS 45.55 (Alaska Securities Act);
 17 (36) AS 45.57 (Takeover Bid Disclosure Act);
 18 (37) AS 47.33 (assisted living homes);
 19 (38) AS 47.35 (child care);
 20 (39) AS 47.45 (longevity bonuses).

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

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

31 (d) Nothing in AS 44.21.510 - 44.21.599 may be construed to create a right to

1 a hearing or to require a hearing that is not required under other law.

2 **Sec. 44.21.540. Administrative law judges.** (a) An administrative law judge
3 must be admitted to practice law in this state and must have been admitted to practice
4 in this state for at least two years before being employed or retained with the office.
5 The chief administrative law judge shall establish additional qualifications for
6 administrative law judges employed or retained by the office and for those
7 administrative law judges that may be assigned to particular types of cases.
8 Notwithstanding AS 39.25.120(b), full-time administrative law judges employed by
9 the office are subject to the personnel rules adopted under AS 39.25.150(7), (15), and
10 (16).

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

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

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

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

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

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

1 Notwithstanding AS 36.30.015(d), the office may contract for or hire an
 2 administrative law judge without notifying or securing the approval of the Department
 3 of Law.

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

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

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

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

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

31 **Sec. 44.21.560. Procedure for hearings.** (a) The chief administrative law

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

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

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

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

31 (e) A proposed decision in an administrative hearing shall be in a form that

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

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

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

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

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

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

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

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

1 officer conduct.

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

11 (c) In addition to disqualification of an administrative law judge under (a) and
12 (b) of this section, each side is entitled to change the assigned administrative law judge
13 once. Two or more parties aligned on the same side of an action shall be treated as
14 one side for purposes of this subsection, but the chief administrative law judge may
15 allow an additional change to a party whose interests are adverse to the interests of
16 another party on the same side. A party wishing to exercise the right to change the
17 administrative law judge shall give notice to the chief administrative law judge within
18 five days after notice is given that the case has been assigned. A party waives the
19 right to a change in the assigned administrative law judge by participating before that
20 administrative law judge in any proceeding or conference involving the case.

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

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

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

31 **Sec. 44.21.590. Administrative hearing records.** (a) The office shall

1 acquire and organize statistical and other information relating to administrative
 2 hearings of the office and of other agencies. The office shall acquire and organize
 3 copies of proposed and final agency decisions in contested cases and copies of court
 4 decisions resulting from those contested cases. The information and decisions shall be
 5 made available to the public, agencies, and legislature. The office shall make final
 6 agency decisions available online through an electronic data base.

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

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

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

12 (1) "administrative hearing" means a quasi-judicial hearing before an
 13 agency, but does not include an informal conference or review held by an agency
 14 before a final decision is issued;

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

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

21 (4) "office" means the office of administrative hearings established in
 22 AS 44.21.510.

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

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

27 (1) if an application is denied, the notice of denial shall be furnished
 28 the applicant immediately in writing stating the reason for the denial in clear and
 29 concise language; the notice of denial must inform the applicant that the applicant is
 30 entitled to an informal conference with either the director or the board, and that, if not
 31 satisfied by the informal conference, the applicant is then entitled to a formal hearing

1 **conducted by the office of administrative hearings (AS 44.21.510)** [BEFORE THE
2 BOARD]; if the applicant requests a formal hearing, the **office of administrative**
3 **hearings** [BOARD] shall adhere to AS 44.62.330 - 44.62.630 (Administrative
4 Procedure Act); all interested persons may be heard at the hearing and unless waived
5 by the applicant and the board, the formal hearing shall be held in the area for which
6 the application is requested;

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

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

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

21 * **Sec. 5.** AS 05.20.080 is amended to read:

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

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

28 (f) Hearings required or authorized under this title are not subject to
29 AS 44.62.330 - 44.62.630, except as required by AS 44.62.560 and 44.62.570. The
30 department shall adopt regulations, consistent with the provisions of this title,
31 establishing procedures for hearings held under this section. **Administrative**

1 **hearings on contested cases shall be conducted by the office of administrative**
 2 **hearings (AS 44.21.510).**

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

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

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

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

21 (1) issue an order directing the person to stop the act or practice;
 22 however, reasonable notice of and an opportunity for a hearing must first be given to
 23 the person, except that the commissioner may issue a temporary order before a hearing
 24 is held; a temporary order remains in effect until a final order affirming, modifying, or
 25 reversing the temporary order is issued or until 15 days after the person receives the
 26 notice and has not requested a hearing by that time; a temporary order becomes final if
 27 the person to whom the notice is addressed does not request a hearing within 15 days
 28 after receiving the notice; the **office of administrative hearings (AS 44.21.510)**
 29 [COMMISSIONER OR THE COMMISSIONER'S DESIGNEE] shall **conduct** [BE
 30 THE HEARING OFFICER AT] the hearing and shall issue a **proposed decision**
 31 [FINAL ORDER] within 10 days after the hearing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (i) The department may summarily suspend a licensee from practice of the
28 profession under this chapter, for a period of not more than 30 days, before a final
29 hearing is held or during an appeal if the department finds that the licensee poses a
30 clear and immediate danger to the public health and safety. A person is entitled to a
31 hearing **conducted by** [BEFORE] the **office of administrative hearings**

1 **(AS 44.21.510)** [DEPARTMENT] to appeal the summary suspension within seven
 2 days after the order of suspension is issued. A person may appeal an adverse decision
 3 of the department on an appeal of summary suspension to a court of competent
 4 jurisdiction.

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

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

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

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

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

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

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

30 (c) The board may summarily suspend a license before final hearing or during
 31 the appeals process if the board finds that the licensee poses a clear and immediate

1 danger to the public health and safety. A person whose license is suspended under this
 2 section is entitled to a hearing **conducted** by the **office of administrative hearings**
 3 **(AS 44.21.510)** [BOARD] within seven days after the effective date of the order. If,
 4 after a hearing, the board upholds the suspension, the licensee may appeal the
 5 suspension to a court of competent jurisdiction.

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

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

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

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

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

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

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

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

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

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

31 (c) The commission may contract under AS 36.30 (State Procurement Code)

1 with a person for the person to perform [HEARING AND] legal services for the
 2 commission with regard to a claim against the real estate surety fund. The contract
 3 may cover one or more claims.

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

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

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

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

22 * **Sec. 26.** AS 10.06.865 is amended to read:

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

24 The commissioner may, within one year after a filing, and after written notice to the
 25 corporation or individual making the filing, cancel a certificate issued or filing
 26 accepted under this chapter, on any ground existing at the time of issuance or filing for
 27 which the commissioner could have originally refused to issue the certificate or accept
 28 the filing. The notice of cancellation must state the reason for the cancellation. A
 29 corporation or individual may request a hearing **conducted by** [BEFORE] the **office**
 30 **of administrative hearings (AS 44.21.510)** [COMMISSIONER] within 90 days after
 31 receipt of the notice. Cancellation becomes final if the corporation or individual does

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

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

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

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

15 (b) A district may appeal an adverse decision of the department under (a) of
 16 this section by filing a written notice of appeal with the commissioner within 15 days
 17 after the date of the department's decision. The notice of appeal must state the legal
 18 and factual basis for the appeal and the precise relief sought. The failure of the district
 19 to include an issue in a notice of appeal constitutes a waiver of the right to have the
 20 issue considered. Not later than 10 days after receipt **by the commissioner** of a notice
 21 of appeal, the **chief administrative law judge of the office of administrative**
 22 **hearings (AS 44.21.510)** [COMMISSIONER] shall appoint **an administrative law**
 23 **judge** [A HEARING OFFICER] who is qualified under AS 44.62.350(c) to **serve as**
 24 **hearing officer and** consider the appeal. If the hearing officer finds that the notice of
 25 appeal does not raise a reasonable issue of fact or law, the hearing officer shall issue a
 26 written decision denying the appeal. Denial of an appeal by hearing officer is a final
 27 decision that may be appealed under (d) of this section. If the hearing officer finds
 28 that the notice of appeal raises a reasonable issue of fact or law, the hearing officer
 29 shall conduct a hearing on those issues and recommend a decision to the board. The
 30 hearing officer shall issue a decision on the appeal not later than 60 days after being
 31 appointed. The board shall consider the recommended decision of the hearing officer

1 at its next regularly scheduled meeting and may adopt all, part, or none of the
 2 recommended decision or may remand the issue to the hearing officer for further
 3 hearings. The board shall issue its decision in writing within 10 days after
 4 consideration of the hearing officer's decision.

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

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

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

15 (b) If a due process hearing is requested by either a school district or a parent,
 16 the school district shall contact the **office of administrative hearings (AS 44.21.510)**
 17 [DEPARTMENT] to request appointment of **an administrative law judge to serve as**
 18 [A] hearing officer. The **chief administrative law judge** [DEPARTMENT] shall
 19 select a hearing officer through a random selection process, from a list maintained by
 20 the **office** [DEPARTMENT] under (g) of this section. Within five working days after
 21 receipt of the request, the **chief administrative law judge** [DEPARTMENT] shall
 22 provide to the school district and the parent a notice of appointment, including the
 23 name and a statement of qualifications, of the hearing officer **who** [THAT THE
 24 DEPARTMENT DETERMINES] is available to conduct the hearing.

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

26 (c) The school district and the parent each have the right to reject, without
 27 stating a reason, one hearing officer appointed under this section. The rejecting party
 28 shall notify the **office of administrative hearings** [DEPARTMENT] of that rejection
 29 in writing within five days after receipt of the [DEPARTMENT'S] notice of
 30 appointment. If a hearing officer is rejected under this subsection, the **chief**
 31 **administrative law judge** [DEPARTMENT] shall, within five working days after

1 receipt of the written rejection, provide a notice of appointment, including the name
 2 and a statement of qualifications, of another hearing officer **who** [THAT THE
 3 DEPARTMENT DETERMINES] is available to conduct the hearing. Each
 4 appointment is subject to a right of rejection under this subsection by a party who has
 5 not previously rejected an appointment.

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

7 (g) The department [SHALL MAINTAIN A LIST OF QUALIFIED
 8 HEARING OFFICERS AND] shall provide for **training** [QUALIFICATION] of
 9 hearing officers through a training program **in the office of administrative hearings**
 10 [THAT IS OPEN TO ALL INDIVIDUALS WHO MEET THE CRITERIA SET BY
 11 THE DEPARTMENT BY REGULATION. THE LIST OF QUALIFIED HEARING
 12 OFFICERS SHALL BE MAINTAINED AS A PUBLIC RECORD].

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

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

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

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

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

2 (c) The department may, without a hearing, reduce a hospice license to a
 3 provisional license for a period of time established by the department if the department
 4 finds that the licensee is temporarily unable to comply with 18.18.005 - 18.18.390 or
 5 is in the process of becoming decertified under the Medicare program but is taking
 6 appropriate steps to bring the program into compliance with 18.18.005 - 18.18.390 or
 7 Medicare certification requirements. A licensee is entitled to a hearing **conducted by**
 8 **the office of administrative hearings** [BEFORE THE DEPARTMENT] to appeal a
 9 reduction to a provisional license under this subsection within seven days after the
 10 order to reduce the license is issued. A licensee may appeal an adverse decision of the
 11 department on an appeal of the order reducing the license to a provisional license to
 12 the superior court. A program with a provisional license under this subsection may
 13 not accept new clients. If the program fails to correct its deficiencies and does not
 14 successfully appeal the order reducing the license to provisional status within the
 15 period stipulated in the provisional license, the department shall revoke the license.

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

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

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

24 (a) Upon application made under the provisions of this chapter, the board shall
 25 consider the application and rule on it. The board may, upon its own motion, order a
 26 hearing, specifying the time and place it is to be held **after consulting with the office**
 27 **of administrative hearings (AS 44.21.510).** **If** [; IF] a hearing is ordered, the board
 28 shall give notice to the applicant. If, after consideration without a hearing, the
 29 decision is unfavorable to the applicant, in whole or in part, the board shall furnish the
 30 applicant a written statement of the reason for the ruling. If, within 30 days after
 31 receipt of this statement, the applicant requests a hearing on the application, the board

1 shall specify a time and place for a hearing **after consulting with the office of**
 2 **administrative hearings**, and shall give notice to the applicant. If a request for a
 3 hearing is not made within the specified time, the decision of the board is final.

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

5 (b) For the purpose of carrying out the provisions of this chapter, the **office of**
 6 **administrative hearings (AS 44.21.510) shall** [BOARD OR ITS HEARING
 7 OFFICER MAY] hold the hearings, sit and act at the times and places, and take the
 8 testimony that the **administrative law judge serving as** [BOARD OR] the hearing
 9 officer considers advisable. The [BOARD OR ITS] hearing officer may administer
 10 oaths or affirmations to witnesses. The **hearing officer** [BOARD] has full powers of
 11 subpoena and compulsion of attendance of witnesses and production of documents [,
 12 BUT A SUBPOENA MAY NOT BE ISSUED EXCEPT UNDER THE SIGNATURE
 13 OF A MEMBER OF THE BOARD]. Application to a court for aid in enforcing the
 14 subpoena may be made in the name of the **office of administrative hearings**
 15 [BOARD ONLY BY A BOARD MEMBER]. Subpoenas are served by any person
 16 designated by the **hearing officer** [BOARD].

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

18 (c) The applicant and any other person having a substantial interest in a
 19 proceeding may appear and be heard, produce evidence, and cross-examine witnesses
 20 in person or by an attorney. The [BOARD OR ITS] hearing officer also may hear
 21 other persons who, in the judgment of the [BOARD OR THE] hearing officer may
 22 have relevant evidence to submit.

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

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

1 attendance of witnesses and the production of testimony, records, papers,
 2 accounts, and documents in any hearing held under this chapter. The
 3 commission, a commissioner, or an employee authorized by the commission may
 4 petition a court of this state to enforce its subpoenas, subpoenas duces tecum, and
 5 other process. The hearing officer may petition a court of this state to enforce
 6 subpoenas, subpoenas duces tecum, and other process issued by the hearing
 7 officer.

8 * **Sec. 41.** AS 18.80.120 is amended to read:

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

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

29 (b) If, within the period allowed, [THE COMMISSION CONDUCTS] a
 30 hearing is conducted and [REACHES] a decision is reached under AS 18.80.120 and
 31 18.80.130, the decision of the commission is binding on the parties to the court action

1 as to all issues resolved in the hearing but not as to any issues not resolved in the
2 hearing.

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

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

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

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

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

26 (d) If a person disobeys or resists a lawful order of the **administrative law**
27 **judge** [DIRECTOR], refuses to respond to a subpoena, refuses to take oath or
28 affirmation as a witness, refuses to be examined, or is guilty of misconduct at a
29 hearing or so near the hearing as to obstruct the proceeding, the **administrative law**
30 **judge** [DIRECTOR] shall certify the facts to the superior court where the hearing is
31 held, and, upon certification, the court shall issue an order directing the person to

1 appear before the court and show cause why the person should not be punished for
2 contempt.

3 * **Sec. 46.** 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. 47.** 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. 48.** 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. 49.** 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. 50.** 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. 51.** 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. 52.** 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. 53.** 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. 54.** AS 24.60.030 is amended by adding a new subsection to read:

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

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

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

4 * **Sec. 55.** AS 25.27.160(b) is amended to read:

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

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

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

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

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

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

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

20 * **Sec. 56.** AS 25.27.160(c) is amended to read:

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

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

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

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

1 (A) no duty of support is owed;

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

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

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

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

13 * **Sec. 57.** AS 34.45.400(c) is amended to read:

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

20 * **Sec. 58.** AS 36.30.015(d) is amended to read:

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

26 * **Sec. 59.** AS 36.30.615 is amended to read:

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

31 * **Sec. 60.** AS 36.30.630(a) is amended to read:

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

7 * **Sec. 61.** AS 36.30.635(a) is amended to read:

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

16 * **Sec. 62.** AS 36.30.650 is amended to read:

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

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

31 * **Sec. 63.** AS 36.30.670(a) is amended to read:

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

9 * **Sec. 64.** AS 36.30.675(a) is amended to read:

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

16 * **Sec. 65.** AS 39.52.120 is amended by adding a new subsection to read:

17 (e) Except for supplying information requested by the hearing officer or
 18 responding to contacts initiated by the hearing officer, a public officer may not attempt
 19 to influence the outcome of an administrative hearing by directly or indirectly
 20 contacting or attempting to contact the hearing officer assigned to the hearing unless
 21 the

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

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

26 * **Sec. 66.** AS 39.52.170 is amended by adding a new subsection to read:

27 (d) A public employee who is in a permanent full-time position as a hearing
 28 officer or administrative law judge may not accept employment as a hearing officer or
 29 enter into a contract to act as a hearing officer, administrative law judge, or judicial
 30 officer for the federal government, another state, a municipality, or a Native tribe.

31 * **Sec. 67.** AS 39.52.350(c) is amended to read:

1 (c) If the subject of the accusation denies that a violation of this chapter has
 2 occurred, the attorney general shall refer the matter to the personnel board, which
 3 **shall notify the chief administrative law judge (AS 44.21.510), who** shall appoint
 4 **an administrative law judge to serve as** a hearing officer to conduct a hearing.

5 * **Sec. 68.** AS 43.23.015(g) is amended to read:

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

21 * **Sec. 69.** AS 43.70.075(m) is amended to read:

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

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

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

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

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

18 * **Sec. 70.** AS 43.70.075(q) is amended to read:

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

23 * **Sec. 71.** AS 44.21.530(a), added by sec. 3 of this Act, is amended to read:

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

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

27 (2) AS 05.15 (charitable gaming);

28 (3) AS 05.20 (recreational devices);

29 (4) AS 05.90.001 (special racing events);

30 (5) AS 06 (banks and financial institutions);

31 (6) AS 08 (occupational licensing), other than AS 08.08 and

- 1 AS 08.62.046;
- 2 (7) AS 10.06 (Alaska Corporations Code);
- 3 (8) AS 10.13 (Alaska BIDCO Act);
- 4 (9) AS 10.25.375 (Electric and Telephone Cooperative Act);
- 5 (10) AS 10.50.408 (limited liability companies);
- 6 (11) AS 14.11.016 (education-related facility grants);
- 7 (12) AS 14.18 (discrimination in public education);
- 8 (13) AS 14.20.030 (teacher certificates);
- 9 (14) AS 14.30 (educational programs);
- 10 (15) AS 14.48 (postsecondary educational institutions);
- 11 (16) AS 17.20 (Alaska Food, Drug, and Cosmetic Act), other than
- 12 AS 17.20.060 and 17.20.360;
- 13 (17) AS 18.18.030 (hospice licenses);
- 14 (18) AS 18.20 (hospitals and nursing facilities), other than
- 15 AS 18.20.180;
- 16 (19) AS 18.35.040 (tourist accommodations);
- 17 (20) AS 18.60 (safety);
- 18 (21) AS 18.67.040 (Violent Crimes Compensation Board);
- 19 (22) AS 18.80 (State Commission for Human Rights);
- 20 (23) AS 21 (insurance), other than AS 21.06.180(a);
- 21 (24) AS 25.27 (child support enforcement);
- 22 (25) AS 32.06 (Uniform Partnership Act);
- 23 (26) AS 34.45 (unclaimed property);
- 24 (27) AS 34.55.024 and 34.55.026 (Uniform Land Sales Practices Act);
- 25 (28) AS 36.30 (State Procurement Code), other than
- 26 AS 36.30.627(a)(2);
- 27 (29) AS 38.05.065 (contracts for sale of state land);
- 28 (30) AS 39.52 (Alaska Executive Branch Ethics Act);
- 29 (31) AS 43.23 (permanent fund dividends);
- 30 (32) AS 43.70 (Alaska Business License Act);
- 31 (33) AS 44.77 (claims against the state);

1 (34) AS 45.30.040 (mobile homes);

2 (35) AS 45.55 (Alaska Securities Act);

3 (36) AS 45.57 (Takeover Bid Disclosure Act);

4 (37) **AS 46 (water, air, energy, and environmental conservation),**
 5 **other than AS 46.03.820, 46.03.850, AS 46.39, and AS 46.40;**

6 **(38)** AS 47.33 (assisted living homes);

7 **(39)** [(38)] AS 47.35 (child care);

8 **(40)** [(39)] AS 47.45 (longevity bonuses).

9 * **Sec. 72.** AS 44.62.350(a) is amended to read:

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

15 * **Sec. 73.** AS 44.62.450(a) is amended to read:

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

20 * **Sec. 74.** AS 44.62.500(b) is amended to read:

21 (b) If a contested case is heard by a hearing officer alone, the hearing officer
 22 shall prepare a proposed decision in a form that may be adopted as the decision in the
 23 case. A copy of the proposed decision shall be filed by the agency as a public record
 24 with the lieutenant governor, and a copy of the proposed decision shall be served by
 25 the agency on each party in the case and the party's attorney. **Except as otherwise**
 26 **provided in AS 44.21.560(e), for a hearing conducted by the office of**
 27 **administrative hearings, the** [THE] agency itself may adopt the proposed decision in
 28 its entirety, or may reduce the proposed penalty and adopt the balance of the proposed
 29 decision.

30 * **Sec. 75.** AS 44.62.500(c) is amended to read:

31 (c) If the proposed decision is not adopted as provided in (b) of this section the

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

13 * **Sec. 76.** AS 44.77.040(a) is amended to read:

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

19 * **Sec. 77.** AS 45.30.040(c) is amended to read:

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

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

29 (2) if the department determines that violations of the provisions of
 30 this chapter are regular and recurring, it may require forfeiture of the bond to the
 31 benefit of the state and arrange for distribution of the proceeds of the bond to the

1 mobile home owners injured by the activities of the dealer or manufacturer, or to
2 mobile home dealers injured by the activities of the manufacturer.

3 * **Sec. 78.** AS 45.55.935 is amended to read:

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

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

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

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

21 * **Sec. 79.** AS 45.55.950(e) is amended to read:

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

25 * **Sec. 80.** AS 45.57.020(a) is amended to read:

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

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

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

6 * **Sec. 81.** AS 45.57.020(b) is amended to read:

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

11 * **Sec. 82.** AS 46.15.065(c) is amended to read:

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

20 * **Sec. 83.** AS 47.45.050 is amended to read:

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

29 * **Sec. 84.** The uncodified law of the State of Alaska is amended by adding a new section to
 30 read:

31 **APPLICABILITY.** (a) Sections 1 - 70, 72 - 81, and 83 of this Act apply to

1 administrative proceedings that begin on or after July 1, 2005.

2 (b) Sections 71 and 82 of this Act apply to administrative proceedings that begin on
3 or after July 1, 2007.

4 * **Sec. 85.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

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

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

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

16 (b) Certificates, orders, and regulations issued or adopted under authority of a law
17 amended or repealed by this Act remain in effect for the term issued, or until revoked,
18 vacated, or otherwise modified under the provisions of this Act.

19 (c) Contracts, rights, liabilities, and obligations created by or under a law amended or
20 repealed on July 1, 2005, by this Act and in effect on July 1, 2005, remain in effect.
21 Contracts, rights, liabilities, and obligations created by or under a law amended or repealed on
22 July 1, 2007, by this Act and in effect on July 1, 2007, remain in effect.

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

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

4 * **Sec. 87.** Sections 1, 2, 85, and 86 of this Act take effect immediately under
5 AS 01.10.070(c).

6 * **Sec. 88.** Sections 71 and 82 of this Act take effect July 1, 2007.

7 * **Sec. 89.** Except as provided in secs. 87 and 88 of this Act, this Act takes effect July 1,
8 2005.