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1 IN THE HOUSE

BY MR. HELLENTHAL AND MR. TAYLOR

2 HOUSE BILL NO. 13

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing administrative
7 procedures for executive, quasi-judicial
8 and quasi-legislative agencies of the
9 State; providing standard procedures for
10 the adoption, promulgation after notice
11 and public hearing, and judicial review of
12 rules and regulations adopted by the State
13 agencies; providing for due process and
14 standard procedural methods in connection
15 with administrative adjudication and quasi-
16 judicial hearings conducted by specified
17 State agencies; providing for judicial
18 review of administrative rules and regula-
19 tions and of administrative adjudications;
20 providing for legislative review of rules
21 and regulations; requiring that all agency
22 meetings be public; and repealing or amend-
23 ing all laws inconsistent herewith."

24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

25 CHAPTER 1. RULES AND REGULATIONS

26 ARTICLE I

27 GENERAL

28 Section 1. SHORT TITLE. This Act constitutes and may be
29 cited as the Administrative Procedure Act.

1 Sec. 2. DEFINITIONS. In this chapter, unless otherwise
2 specifically indicated:

3 (1) "State agency" does not include an agency in the
4 judicial or legislative departments of the State Government.

5 (2) "Regulation" means every rule, regulation, order,
6 or standard of general application or the amendment, supplement
7 or revision of any rule, regulation, order or standard adopted by
8 any State agency to implement, interpret, or make specific the
9 law enforced or administered by it, or to govern its procedure,
10 except one which relates only to the internal management of the
11 State agencies. "Regulation" does not mean or include any form
12 prescribed by a State agency or any instructions relating to the
13 use of the form, but this provision is not a limitation upon any
14 requirement that a regulation be adopted pursuant to this Act
15 when one is needed to implement the law under which the form is
16 issued. "Regulation" shall include "manuals," "policies,"
17 "instructions," "guides to enforcement," "interpretative bulle-
18 tins," "interpretations," and the like, which have the effect of
19 rules, orders, regulations or standards of general application,
20 and such and similar phraseology shall not be used to avoid or
21 circumvent this Act. Whether a regulation, regardless of name,
22 is covered by this Act depends in part on whether it affects the
23 public or is used by the agency in dealing with the public.

24 (3) "Order of repeal" means any resolution, order or
25 other official act of a State agency which expressly repeals a
26 regulation in whole or in part.

27 Sec. 3. SECRETARY OF STATE. "Secretary of State" as used
28 in this chapter means the office of the Secretary of State in the
29 executive branch of the State Government, or such other agency

1 as shall be designated by executive order pursuant to the
2 Constitution.

3 Sec. 4. PROVIS0. Except for the authority conferred upon
4 the Secretary of State in Article III hereof, nothing in this
5 chapter confers authority upon or augments the authority of any
6 State agency to adopt, administer, or enforce any regulation.
7 Each regulation adopted, to be effective, must be within the
8 scope of authority conferred and in accordance with standards
9 prescribed by other provisions of law.

10 Sec. 5. LIMITATION. Whenever by the express or implied
11 terms of any statute a State agency has authority to adopt regu-
12 lations to implement, interpret, make specific or otherwise
13 carry out the provisions of the statute, no regulation adopted
14 is valid or effective unless consistent and not in conflict with
15 the statute and reasonably necessary to effectuate the purpose
16 of the statute.

17 Any existing rules or regulations conflicting with this
18 section are hereby repealed.

19 ARTICLE II

20 FILING AND PUBLICATION

21 Section 1. FILING PRESENT AND FUTURE REGULATIONS. Every
22 State agency shall:

23 (1) Transmit for filing to the Secretary of State a
24 certified copy of every regulation adopted by it except one
25 which:

26 (a) Establishes or fixes rates, prices or tariffs.

27 (b) Relates to the use of public works, including
28 streets and highways, under the jurisdiction of any State
29 agency when the effect of such order is indicated to the

1 public by means of signs or signals.

2 (c) Is directed to a specifically named person or
3 to a group of persons and does not apply generally through-
4 out the State.

5 (2) File forthwith with the Secretary of State a
6 certified copy of every existing rule and regulation adopted by
7 it and in effect on the effective date hereof, and upon which the
8 agency intends to rely as being effective.

9 (3) Transmit to the Secretary of State for filing a
10 certified copy of every order of repeal of a regulation required
11 to be filed under subdivision (1) of this section.

12 (4) Deliver to the Secretary of State at the time of
13 filing two duplicate copies of the regulation or order of repeal
14 together with a citation of the authority pursuant to which it or
15 any part thereof was adopted.

16 Sec. 2. STYLE AND FORM OF FILING. The Secretary of State
17 shall prescribe the style in which regulations shall be prepared
18 and a standard size form to be used in filing regulations pur-
19 suant to the preceding section, which form shall be effective
20 within sixty days after the passage hereof, and he shall notify
21 all agencies subject to the provisions of this article of the
22 date when the form so prescribed by him becomes effective.

23 Sec. 3. APPROVAL AND FILING. The Secretary of State shall
24 examine each regulation or order of repeal transmitted to him
25 for filing and determine whether it complies with the form and
26 style prescribed.

27 Sec. 4. FEES. No fee shall be charged by any State officer
28 or public official for the performance of any official act in
29 connection with the certification or filing of regulations

1 pursuant to this article.

2 Sec. 5. ENDORSEMENT BY SECRETARY OF STATE. The Secretary
3 of State shall endorse on the certified copy of each regulation
4 or order of repeal filed with him, the time and date of filing
5 and shall maintain a permanent file of the certified copies of
6 regulations and orders of repeal for public inspection.

7 Sec. 6. FILING WITH BOROUGH CLERKS. The Secretary of
8 State shall file one copy of each issue of the Alaska Administra-
9 tive Code and of the Alaska Administrative Register in the
10 office of the borough clerk of each organized borough in the
11 State, or if the authority to accept filings on his behalf has
12 been delegated, to the person to whom such authority has been
13 delegated.

14 Sec. 7. PRESUMPTIONS FROM FILING. The filing of a certi-
15 fied copy of a regulation or an order of repeal with the Secre-
16 tary of State raises the rebuttable presumption that:

17 (1) It was duly adopted.

18 (2) It was duly filed and made available for public
19 inspection at the day and hour endorsed on it.

20 (3) All requirements of this chapter and the regula-
21 tions relative to such regulation have been complied with.

22 (4) The text of the certified copy of a regulation
23 or order of repeal is the text of the regulation or order of
24 repeal as adopted.

25 The courts shall take judicial notice of the contents of
26 the certified copy of each regulation and of each order of repeal
27 duly filed.

28 Sec. 8. PRESUMPTIONS FROM PUBLICATION. The publication
29 of a regulation in the Alaska Administrative Code or Register

1 raises a rebuttable presumption that the text of the regulation
2 as so published is the text of the regulation adopted.

3 The courts shall take judicial notice of the contents of
4 each regulation or notice of the repeal of a regulation printed
5 in the Alaska Administrative Code or Alaska Administrative
6 Register.

7 Sec. 9. VOLUNTARY FILING AND PUBLICATION. With the
8 approval of the Secretary of State any State agency may file
9 with the Secretary of State and he may publish in such manner
10 as he believes proper any regulation or order of repeal of a
11 regulation not required by this article to be filed with the
12 Secretary of State.

13 ARTICLE III

14 THE ALASKA ADMINISTRATIVE REGISTER AND CODE

15 Section 1. CODIFICATION AND PUBLICATION. The Secretary
16 of State shall:

17 (1) Provide for the continuing compilation, codifica-
18 tion and publication, with periodic supplements, of all regula-
19 tions required to be filed with his office, or of appropriate
20 references to any regulations the printing of which he finds to
21 be impractical, such as detailed schedules or forms otherwise
22 available to the public, or which are of limited or particular
23 application.

24 The publication of compiled regulations shall be known as
25 the "Alaska Administrative Code," and the periodic supplements
26 thereto shall be known as the "Alaska Administrative Register."

27 (2) Prescribe regulations for carrying out the pro-
28 visions of Articles II and III of this chapter. Among other
29 things the regulations shall provide for the manner and form in

1 which regulations, notice of the repeal of regulations, compila-
2 tions, and codifications shall be prepared, printed, and indexed,
3 to the end that all regulations, compilations, and codifications
4 shall be prepared and published in a uniform manner and at the
5 earliest practicable date and that each regulation published
6 shall be accompanied by a reference to the statutory authority
7 pursuant to which it was enacted.

8 Sec. 2. BOROUGH CLERKS TO RECEIVE CODE AND REGISTER. The
9 Secretary of State shall supply a complete set of the Alaska
10 Administrative Code, and of the Alaska Administrative Register,
11 which have been or are published and of each supplement to such
12 code or register to the borough clerk of each organized borough,
13 or if the authority to accept filings on his behalf has been
14 delegated, to the person to whom such authority has been delegated

15 Sec. 3. PRICE AT WHICH SOLD. The Alaska Administrative
16 Register and the Alaska Administrative Code shall be sold by the
17 Secretary of State at such prices as will reimburse the State
18 for all costs incurred for printing, publication and distribution.

19 All money received from the sale of the Alaska Administrative
20 Register and the Alaska Administrative Code shall be deposited in
21 the treasury and credited to the General Fund, except that an
22 amount necessary to cover the distribution costs shall be credited
23 to the fund from which such costs have been paid.

24 Sec. 4. PUBLICATION DATE. The publication date shall be
25 determined by the Secretary of State, and all rules and regulations
26 thereafter filed and all rules and regulations theretofore filed
27 and in effect on the publication date shall be published.

28 Sec. 5. FORM OF PUBLICATION. Nothing in this chapter limits
29 or restricts the discretion of the Secretary of State to determine

1 the form in which the Alaska Administrative Code, and the Alaska
2 Administrative Register shall be published. Either or both of
3 said publications may be issued in such units, whether in bound
4 volumes or in loose-leaf form, separately or in combination, at
5 the same or at different times, as the Secretary of State deems
6 most economical and best adapted to make the current regulations
7 available to interested persons and to the public.

8 ARTICLE IV

9 PROCEDURE FOR ADOPTION OF REGULATIONS

10 Section 1. PURPOSE OF ARTICLE. It is the purpose of this
11 article to establish basic minimum procedural requirements for
12 the adoption, amendment or repeal of administrative regulations.
13 Except as provided in Section 2 of this article, the provisions
14 of this article are applicable to the exercise of any quasi-
15 legislative power conferred by any statute heretofore or hereafter
16 enacted, but nothing in this article repeals or diminishes addi-
17 tional requirements imposed by any such statute. The provisions
18 of this article shall not be superseded or modified by any sub-
19 sequent legislation except to the extent that such legislation
20 shall do so expressly.

21 Sec. 2. EMERGENCY REGULATIONS. (1) The provisions of this
22 article shall not apply to any regulation not required to be filed
23 with the Secretary of State under this chapter, and only this
24 section and Section 3 of this article shall apply to any regulation
25 prescribing an agency's organization or procedure or to an
26 emergency regulation adopted pursuant to subdivision (2) of this
27 section.

28 (2) If in any particular case the State agency makes a
29 finding, including a statement of facts constituting the emergency

1 in writing that the adoption of a regulation or order of repeal
2 is necessary for the immediate preservation of the public peace,
3 health and safety or general welfare, the regulation or order
4 of repeal may be adopted as an emergency regulation or order of
5 repeal. It is the State policy that emergencies be held to a
6 minimum and rarely be found to exist.

7 Sec. 3. EFFECTIVE DATE. A regulation or an order of repeal
8 required to be filed with the Secretary of State shall become
9 effective on the thirtieth day after the date of filing unless:

10 (1) Otherwise specifically provided by the statute
11 pursuant to which the regulation or order of repeal was adopted,
12 in which event it becomes effective on the day prescribed by such
13 statute.

14 (2) It is a regulation prescribing an agency's organi-
15 zation or procedure, in which event it shall become effective upon
16 filing or upon any later date specified by the State agency in
17 a written instrument filed with, or as part of, the regulation or
18 order of repeal.

19 (3) It is an emergency regulation or order of repeal
20 adopted pursuant to subdivision (2) of Section 2 of this article,
21 in which case the finding and the statement of the facts consti-
22 tuting the emergency shall be filed with the Secretary of State,
23 together with the emergency regulation or order of repeal, which
24 shall, in that event only, become effective upon filing or upon
25 any later date specified by the State agency in a written
26 instrument filed with, or as part of, the regulation or order of
27 repeal.

28 (4) A later date is prescribed by the State agency in
29 a written instrument filed with, or as part of, the regulation or

1 order of repeal.

2 Sec. 4. EMERGENCY: LIMITATION ON EFFECTIVE PERIOD. No
3 regulation adopted as an emergency shall remain in effect more
4 than ninety days unless the adopting agency has complied with
5 Sections 5, 6, and 7 of this article prior to the adoption of the
6 emergency regulation, or has, within said sixty-day period, given
7 notice of the adoption of the emergency regulation in a manner
8 substantially similar to that required for the proposed adoption
9 of a regulation and has afforded interested persons the opportunity
10 to present statements, arguments, or contentions in a manner
11 substantially similar to that required by Section 7 of this article.
12 The agency shall, prior to the expiration of the sixty-day
13 period, transmit to the Secretary of State for filing a certifica-
14 tion that either Sections 5, 6, and 7 of this article were complied
15 with prior to adoption, or that compliance was had with this
16 section within the said period. Failure to so certify shall
17 constitute a repeal of the emergency regulation.

18 Sec. 5. NOTICE OF PROPOSED ACTION. At least thirty days
19 prior to the adoption, amendment, or repeal of a regulation,
20 notice of the proposed action shall be:

21 (1) Published in such newspaper of general circulation,
22 trade or industry publication, as the State agency shall prescribe.

23 (2) Mailed to every person who has filed a request for
24 notice thereof with the State agency.

25 (3) In cases in which the State agency is within a
26 State department, mailed or delivered to the director of such
27 department.

28 (4) When appropriate in the judgment of the State
29 agency, (a) mailed to any person or group of persons whom the

1 agency believes to be interested in the proposed action and, (b)
2 published in such additional form and manner as the State agency
3 shall prescribe.

4 Where the form or manner of notice is prescribed by statute
5 in any particular case, in addition to filing and mailing notice
6 as required herein, the notice shall be published, posted, mailed,
7 filed or otherwise publicized as prescribed by that statute.

8 The failure to mail notice to any person as provided in this
9 section shall not invalidate any action taken by a State agency
10 pursuant to this article.

11 Sec. 6. CONTENTS OF NOTICE. The notice of proposed adoption
12 amendment, or repeal of a regulation shall include:

13 (1) A statement of the time, place, and nature of
14 proceedings for adoption, amendment, or repeal of the regulation;

15 (2) Reference to the authority under which the regula-
16 tion is proposed and a reference to the particular code sections
17 or other provisions of law which are being implemented, inter-
18 preted, or made specific;

19 (3) Either the express terms or an informative summary
20 of the proposed action;

21 (4) Such other matters as are prescribed by statute
22 applicable to the specific State agency or to any specific
23 regulation or class of regulations.

24 Sec. 7. PUBLIC PROCEEDINGS. On the date and at the time
25 and place designated in the notice the State agency shall afford
26 any interested person or his duly authorized representative, or
27 both, the opportunity to present statements, arguments, or
28 contentions in writing, with or without opportunity to present
29 the same orally. The State agency shall consider all relevant

1 matter presented to it before adopting, amending or repealing any
2 regulation.

3 In any hearing under this section the State agency or its
4 duly authorized representative shall have authority to administer
5 oaths or affirmations, and may continue or postpone such hearing
6 from time to time to such time and at such place as it shall
7 determine.

8 Sec. 8. RIGHT TO PETITION. Except where the right to
9 petition for adoption of a regulation is restricted by statute
10 to a designated group or where the form of procedure for such
11 a petition is otherwise prescribed by statute, any interested
12 person may petition a State agency requesting the adoption or
13 repeal of a regulation as provided in this article. Such
14 petition shall state clearly and concisely:

15 (1) The substance or nature of the regulation, amend-
16 ment, or repeal requested;

17 (2) The reasons for the request;

18 (3) Reference to the authority of the State agency to
19 take the action requested.

20 Sec. 9. PROCEDURE ON PETITION. Upon receipt of a petition
21 requesting the adoption, amendment or repeal of a regulation
22 pursuant to this article, a State agency shall within 30 days
23 deny the petition in writing or schedule the matter for public
24 hearing pursuant to Sections 5, 6, and 7 of this article.

25 Sec. 10. RETROACTIVE ACTION: LIMITATION. All regulations
26 promulgated by an agency subject to this Act which are primarily
27 legislative in nature shall have prospective effect only. Any
28 regulation adopted pursuant hereto which is primarily an "inter-
29 pretative regulation" shall have retroactive effect only if the

1 agency adopting it has adopted no prior inconsistent regulation
2 or has followed no prior course of conduct inconsistent with
3 said regulation. Silence or failure to pursue any course of
4 conduct shall be deemed prior inconsistent conduct.

5 ARTICLE V

6 JUDICIAL REVIEW

7 Section 1. COURT REVIEW. Any interested person may obtain
8 a judicial declaration as to the validity of any regulation by
9 bringing an action for declaratory relief in the superior court
10 in accordance with the provisions of the Code of Civil Procedure
11 and in addition to any other ground which may exist, such regula-
12 tion may be declared to be invalid for a substantial failure to
13 comply with the provisions of this chapter or, in the case of an
14 emergency regulation or order of repeal, upon the ground that the
15 facts recited in the statement do not constitute an emergency
16 within the provisions of Section 2 (2) of Article 4.

17 ARTICLE VI

18 AGENCY MEETINGS PUBLIC

19 Section 1. AGENCY MEETINGS PUBLIC. All meetings of governing
20 bodies of all State and local government agencies, including
21 municipalities, boroughs, school boards and all other boards,
22 agencies, assemblies, councils, departments, divisions, bureaus,
23 commissions or organizations (advisory or otherwise) of the State
24 or local government, supported in whole or in part by public funds
25 or entrusted with the expending of public funds, except juries
26 and such other agencies as shall be expressly exempt by the
27 Legislature, shall be public meetings, but the public may be
28 excluded only from such portions thereof as deal with matters, the
29 immediate knowledge of which would deleteriously affect the

1 finances of the government unit, or that deal with subjects that
2 tend to prejudice the reputation and character of persons. When
3 meetings are held at which such excepted subjects are to be dis-
4 cussed, the meeting must first be convened as a public meeting,
5 and the question of holding an executive session to discuss matters
6 that come within the two exceptions shall be determined by a
7 majority vote of the agency, and no subjects can be considered
8 at such executive session except those as are mentioned in the
9 motion calling for the executive session, and no action shall be
10 taken at said executive session.

11 ARTICLE VII

12 LEGISLATIVE REVIEW OF RULES

13 Section 1. The Legislature, by resolution adopted by vote
14 of both houses shall have the power to annul any agency or
15 department rule or regulation. A joint committee of the House and
16 Senate of the State Legislature shall annually review all agency
17 regulations to determine if the legislative intent is being
18 correctly followed.

19 CHAPTER 2. ADMINISTRATIVE ADJUDICATION

20 Section 1. DEFINITIONS. In this chapter, unless the context
21 or subject matter otherwise requires:

22 (1) "Agency" includes the State boards, commissions
23 and officers enumerated in Section 2 and those to which this
24 chapter is made applicable by law or executive order involving
25 reorganization under the Constitution. All of the agencies
26 listed in Section 2 may delegate the power to act and to hear and
27 to decide, unless expressly prohibited by law; in future laws,
28 wherever the word "agency" alone is used, the power to act may be
29 delegated by the agency, and wherever the words "agency itself"

1 are used, the power to act shall not be delegated unless the
2 statutes relating to the particular agency authorize the dele-
3 gation of the agency's power to hear and decide.

4 (2) "Party" includes the agency, the respondent, and
5 any person, other than an officer or an employee of the agency
6 in his official capacity, who has been allowed to appear in the
7 proceeding.

8 (3) "Respondent" means any person against whom an
9 accusation is filed pursuant to Section 4 or against whom a
10 statement of issues is filed pursuant to Section 5.

11 (4) "Hearing officer" means a hearing officer qualified
12 under Section 3.

13 (5) "Agency member" means any person who is a member
14 of any agency to which this chapter is applicable, and includes any
15 person who himself constitutes an agency.

16 Sec. 2. APPLICATION OF CHAPTER. (1) The procedure of
17 the following enumerated State boards, commissions, and officers
18 shall be conducted pursuant to the provisions of this chapter.
19 In certain instances, where indicated, the procedure that shall
20 be conducted pursuant to this chapter is limited to certain
21 functions of the agency.

22 Board of Barber Examiners

23 Board of Chiropractic Examiners

24 Board of Dental Examiners

25 Board of Engineers and Architects Examiners

26 Board of Examiners in Basic Sciences

27 Board of Examiners in Optometry

28 Board of Hairdressing and Beauty Culture Examiners

29 Territorial Medical Board

1 Land Board under Land Act where applicable
2 Board of Nursing
3 Board of Pharmacy
4 Board of Public Accountancy
5 Alaska Employment Security Commission
6 Alaska Real Estate Commission
7 Alaska Industrial Board
8 Alaska Aeronautics and Communications Commission
9 Board of Liquor Control
10 Oil and Gas Conservation Commission
11 Director of Finance, pursuant to Alaska Small Loans Act of
12 1955
13 Tax Commissioner, under Cigarette Tax Act of 1955
14 Banking Board of the Territory of Alaska
15 Board of Governors of the Alaska Bar
16 Alaska Highway & Public Works Board, as to suspension etc.
17 of drivers' licenses
18 Department of Public Welfare, under Boarding and Foster
19 Homes for Children Act of 1951 (51-6-1 et seq)
20 Territorial Board of Education, as to Discharge of Teachers
21 (37-5-11 et seq)
22 Alaska Department of Health, under "Radiation Protection
23 Act" of 1957 (40-2A-1 et seq)
24 Commissioner of Health, under "Alaska Food, Drug & Cosmetic
25 Act" of 1949 (40-5A-1 et seq)
26 Department of Health and its "Advisory Hospital Council"
27 under Hospital Act of 1947 (40-6-1 et seq as amended)
28 Water Pollution Control Board, under Alaska Water Pollution
29 Control Act of 1949 (40-9-4 et seq)

1 Board of Health, under Act of 1955 Regulating Tourist and
2 Trailer Camps, Motor Courts and Motels (40-10A-1 et seq)
3 Alaska Insurance Commission, as to Agents and Brokers
4 (42-3-1 et seq. as amended)
5 Commissioner of Labor, as to Employment Agencies (43-7-1
6 et seq)

7 (2) The procedure of any other agency shall be con-
8 ducted pursuant to the provisions of this chapter only as to
9 those functions to which this chapter is made applicable by the
10 statutes relating to the particular agency.

11 Sec. 3. APPOINTMENT OF HEARING OFFICERS. The Governor
12 shall assign to the Office of the Secretary of State from the
13 Legal Service Division of the Department of Law, and not from
14 the Prosecution Division of said department, a hearing officer;
15 such hearing officer shall have been admitted to practice law
16 for at least two (2) years immediately preceding his appointment,
17 one of which shall have been spent in this State, and shall
18 possess any additional qualifications established by law or
19 regulation; said hearing officer may perform other duties in
20 the said Legal Service Division.

21 Sec. 4. ACCUSATION. A hearing to determine whether a
22 right, authority, license or privilege should be revoked, sus-
23 pended, limited or conditioned shall be initiated by filing an
24 accusation. The accusation shall be a written statement of
25 charges which shall set forth in ordinary and concise language
26 the acts or omissions with which the respondent is charged, to the
27 end that the respondent will be able to prepare his defense. It
28 shall specify the statutes and rules which the respondent is
29 alleged to have violated, but shall not consist merely of charges

1 phrased in the language of such statute and rules. The accusation
2 shall be verified unless made by a public officer acting in his
3 official capacity or by an employee of the agency on whose behalf
4 the proceeding is to be held. The verification may be on
5 information and belief.

6 Sec. 5. STATEMENT OF ISSUES. A hearing to determine whether
7 a right, authority, license or privilege should be granted, issued
8 or renewed shall be initiated by filing a statement of issues.
9 The statement of issues shall be a written statement specifying
10 the statutes and rules with which the respondent must show
11 compliance by producing proof at the hearing, and in addition
12 any particular matters which have come to the attention of the
13 initiating party and which would authorize a denial of the agency
14 action sought. The statement of issues shall be verified unless
15 made by a public officer acting in his official capacity or by
16 an employee of the agency before which the proceeding is to be
17 held. The verification may be on information and belief. The
18 statement of issues shall be served in the same manner as an
19 accusation; provided, that if the hearing is held at the request
20 of the respondent, the provisions of Sections 6 and 7 shall not
21 apply, and the statement of issues together with the notice of
22 hearing shall be delivered or mailed to the parties as provided
23 in Section 10.

24 Sec. 6. (1) SERVICE OF ACCUSATION: WHAT INCLUDED. Upon
25 the filing of the accusation, the agency shall serve a copy
26 thereof on the respondent as provided in subdivision (3). The
27 agency may include with the accusation any information which it
28 deems appropriate, but it shall include a post card or other form
29 entitled Notice of Defense which, when signed by or on behalf of

1 the respondent and returned to the agency, will acknowledge
2 service of the accusation and constitute a notice of defense
3 under Section 7. The copy of the accusation shall include or be
4 accompanied by a statement that respondent may request a hearing
5 by filing a notice of defense as provided in Section 7 within 15
6 days after service upon him of the accusation, and that failure
7 to do so will constitute a waiver of his right to a hearing.

8 (2) STATEMENT TO RESPONDENT. The statement to
9 respondent shall be substantially in the following form:

10 Unless a written request for a hearing signed by or on
11 behalf of the person named as respondent in the accompanying
12 accusation is delivered or mailed to the agency within 15 days
13 after the accusation was personally served on you or mailed to
14 you, (here insert name of agency) may proceed upon the accusation
15 without a hearing. The request for a hearing may be made by
16 delivering or mailing the enclosed form entitled Notice of Defense,
17 or by delivering or mailing a notice of defense as provided by
18 Section 7 of Chapter 2 of the Administrative Procedure Act to:
19 (here insert name and address of agency).

20 (3) MANNER OF SERVICE. The accusation and all accom-
21 panying information may be sent to respondent by any means
22 selected by the agency. But no order adversely affecting the
23 rights of the respondent shall be made by the agency in any case
24 unless the respondent shall have been served personally or by
25 registered mail as provided herein, or shall have filed a notice
26 of defense or otherwise appeared. Service may be proved in the
27 manner authorized in civil actions. Service by registered mail
28 shall be effective if a statute or agency rule requires respondent
29 to file his address with the agency and to notify the agency

1 of any change, and if a registered letter containing the accusa-
2 tion and accompanying material is mailed, addressed to respondent
3 at the latest address on file with the agency.

4 Sec. 7. NOTICE OF DEFENSE. (1) Within 15 days after
5 service upon him of the accusation, the respondent may file with
6 the agency a notice of defense in which he may:

7 (a) Request a hearing;

8 (b) Object to the accusation upon the ground that
9 it does not state acts or omissions upon which the agency may
10 proceed;

11 (c) Object to the form of the accusation on the
12 ground that it is so indefinite or uncertain that he cannot
13 identify the transaction or prepare his defense;

14 (d) Admit the accusation in whole or in part;

15 (e) Present new matter by way of defense.

16 Within the time specified respondent may file one or more
17 notices of defense upon any or all of these grounds but all such
18 notices shall be filed within that period unless the agency in
19 its discretion authorizes the filing of a later notice.

20 (2) The respondent shall be entitled to a hearing on
21 the merits if he files a notice of defense, and any such notice
22 shall be deemed a specific denial of all parts of the accusation
23 not expressly admitted. Failure to file such notice shall con-
24 stitute a waiver of respondent's right to a hearing, but the
25 agency in its discretion may nevertheless grant a hearing. Unless
26 objection is taken as provided in subdivision (1) (c), all
27 objections to the form of the accusation shall be deemed waived.

28 (3) The notice of defense shall be in writing signed
29 by or on behalf of the respondent and shall state his mailing

1 address. It need not be verified or follow any particular form.

2 Sec. 8. AMENDED OR SUPPLEMENTAL ACCUSATION. At any time
3 before the matter is submitted for decision the agency may file
4 or permit the filing of an amended or supplemental accusation.
5 All parties shall be notified thereof. If the amended or supple-
6 mental accusation presents new charges the agency shall afford
7 respondent a reasonable opportunity to prepare his defense
8 thereto, but he shall not be entitled to file a further pleading
9 unless the agency in its discretion so orders. Any new charges
10 shall be deemed controverted, and any objections to the amended
11 or supplemental accusation may be made orally and shall be noted
12 in the record.

13 Sec. 9. TIME AND PLACE OF HEARING. The agency shall
14 determine the time and place of hearing. The hearing shall be
15 held in Juneau or Ketchikan, whichever is closer to the place
16 where the transaction occurred or where the respondent resides, if
17 the transaction occurred or the respondent resides within the
18 Southeastern Senatorial District; in Anchorage if the transaction
19 occurred or the respondent resides within the South Central
20 Senatorial District; in Fairbanks or Nome, whichever is closer
21 to the place where the transaction occurred or where the
22 respondent resides if the transaction occurred or the respondent
23 resides within the Central or Northwestern Senatorial Districts.
24 The agency may, if the transaction occurred in a senatorial
25 district other than that of respondent's residence, select the
26 place of hearing appropriate for either district; the agency may
27 select a different place nearer the place where the transaction
28 occurred or the respondent resides; or the parties by agreement
29 may select any place within the State.

1 Sec. 10. FORM OF NOTICE OF HEARING. The agency shall deliver
2 or mail a notice of hearing to all parties at least 10 days prior
3 to the hearing. The hearing shall not be prior to the expiration
4 of the time within which the respondent is entitled to file a
5 notice of defense.

6 The notice to respondent shall be substantially in the
7 following form but may include other information:

8 You are hereby notified that a hearing will be held before
9 (here insert name of agency) at (here insert place of hearing)
10 upon the ____ day of _____, 19____, at the hour of _____,
11 upon the charges made in the accusation served upon you. You
12 may be present at the hearing, may be but need not be represented
13 by counsel, may present any relevant evidence, and will be given
14 full opportunity to cross-examine all witnesses testifying
15 against you. You are entitled to the issuance of subpoenas to
16 compel the attendance of witnesses and the production of books,
17 documents or other things by applying to (here insert appropriate
18 office of agency).

19 Sec. 11. (1) SUBPENAS. Before the hearing has commenced
20 the agency shall issue subpoenas and subpoenas duces tecum at the
21 request of any party in accordance with the applicable provisions
22 of Rule 45 of the Federal Rules of Civil Procedure or such rules
23 as may be prescribed by the Supreme Court of the State of Alaska.
24 After the hearing has commenced the agency itself hearing a case
25 or a hearing officer sitting alone may issue subpoenas and subpoenas
26 duces tecum.

27 (2) WITNESSES FROM MORE THAN 100 MILES. The process
28 issued pursuant to subdivision (1) shall extend to all parts of
29 the State and shall be served in accordance with the provisions

1 of Rule 45(c) of the Federal Rules of Civil Procedure, except the
2 words "State of Alaska" shall be substituted in the third sentence
3 for the words "United States," or such rules as may be prescribed
4 by the Supreme Court of the State of Alaska. No witness shall
5 be obliged to attend at a place out of the election district
6 in which he resides unless the distance be less than 100 miles
7 from his place of residence, except that the agency, upon
8 affidavit of any party showing that the testimony of such witness
9 is material and necessary, may endorse on the subpoena an order
10 requiring the attendance of such witness.

11 (3) WITNESS FEES AND EXPENSES. All witnesses appearing
12 pursuant to subpoena, other than the parties or officers or
13 employees of the State or any political subdivision thereof,
14 shall receive fees, and all witnesses appearing pursuant to
15 subpoena, except the parties, shall receive mileage in the same
16 amount and under the same circumstances as prescribed by law for
17 witnesses in civil actions in a superior court. Witnesses
18 appearing pursuant to subpoena, except the parties, who attend
19 hearings at points so far removed from their residences as to
20 prohibit return thereto from day to day shall be entitled in
21 addition to fees and mileage to a per diem compensation of \$15.00
22 for expenses of subsistence for each day of actual attendance
23 and for each day necessarily occupied in traveling to and from
24 the hearing. Fees, mileage and expenses of subsistence shall be
25 paid by the party at whose request the witness is subpoenaed.

26 Sec. 12. DEPOSITIONS. On verified petition of any party,
27 an agency may order that the testimony of any material witness
28 residing within or without the State be taken by deposition in the
29 manner prescribed by law for depositions in civil actions. The

1 petition shall set forth the nature of the pending proceeding;
2 the name and address of the witness whose testimony is desired;
3 a showing of the materiality of his testimony; a showing that the
4 witness will be unable or cannot be compelled to attend; and shall
5 request an order requiring the witness to appear and testify
6 before an officer named in the petition for that purpose. Where
7 the witness resides outside the State and where the agency has
8 ordered the taking of his testimony by deposition, the agency
9 shall obtain an order of court to that effect by filing a petition
10 therefor in the superior court in Juneau. The proceedings thereon
11 shall be in accordance with provisions governing the taking of
12 depositions in the Superior Courts of the State in civil actions
13 or by the applicable provisions of the Federal Rules of Civil
14 Procedure until the creation of the State courts.

15 Sec. 13. (1) HEARING OFFICER TO PRESIDE. Every hearing in
16 a contested case shall be presided over by a hearing officer.
17 The agency itself shall determine whether the hearing officer
18 is to hear the case alone or whether the agency itself is to
19 hear the case with the hearing officer.

20 (2) POWERS OF HEARING OFFICER. When the agency itself
21 hears the case the hearing officer shall preside at the hearing,
22 rule on the admission and exclusion of evidence, and advise the
23 agency on matters of law; the agency itself shall exercise all
24 other powers relating to the conduct of the hearing, but may
25 delegate any or all of them to the hearing officer. When the
26 hearing officer alone hears a case, he shall exercise all powers
27 relating to the conduct of the hearing.

28 (3) DISQUALIFICATION OF HEARING OFFICER AND AGENCY
29 MEMBERS. A hearing officer or agency member shall voluntarily

1 disqualify himself and withdraw from any case in which he cannot
2 accord a fair and impartial hearing or consideration. Any party
3 may request the disqualification of any hearing officer or agency
4 member by filing an affidavit, prior to the taking of evidence
5 at a hearing, stating with particularity the grounds upon which
6 it is claimed that a fair and impartial hearing cannot be accorded.
7 Where the request concerns an agency member the issue shall be
8 determined by the other members of the agency. Where the request
9 concerns the hearing officer, the issue shall be determined by
10 the agency itself if the agency itself hears the case with the
11 hearing officer, otherwise the issue shall be determined by the
12 hearing officer. No agency member shall withdraw voluntarily
13 or be subject to disqualification if his disqualification would
14 prevent the existence of a quorum qualified to act in the
15 particular case.

16 (4) REPORTER. The proceedings at the hearing shall
17 be reported by a phonographic reporter or wire recorder, or
18 other adequate means of assuring an accurate record.

19 Sec. 14. EVIDENCE RULES. (1) Oral evidence shall be
20 taken only on oath or affirmation.

21 (2) Each party shall have these rights: to call and
22 examine witnesses; to introduce exhibits; to cross-examine
23 opposing witnesses on any matter relevant to the issues even
24 though that matter was not covered in the direct examination; to
25 impeach any witness regardless of which party first called him
26 to testify; and to rebut the evidence against him. If respondent
27 does not testify in his own behalf he may be called and examined
28 as if under cross-examination.

29 (3) ADMISSIBILITY OF EVIDENCE. The hearing need not

1 be conducted according to technical rules relating to evidence
2 and witnesses. Any relevant evidence shall be admitted if it is
3 the sort of evidence on which responsible persons are accustomed
4 to rely in the conduct of serious affairs, regardless of the
5 existence of any common law or statutory rule which might make
6 improper the admission of such evidence over objection in civil
7 actions. Hearsay evidence may be used for the purpose of
8 supplementing or explaining any direct evidence but shall not be
9 sufficient in itself to support a finding unless it would be
10 admissible over objection in civil actions. The rules of privilege
11 shall be effective to the same extent that they are now or here-
12 after may be recognized in civil actions, and irrelevant and
13 unduly repetitious evidence shall be excluded.

14 (4) Nothing herein shall be construed to alter the
15 ordinary rules of burden of proof of judicial proceedings in
16 Alaska.

17 Sec. 15. EVIDENCE BY AFFIDAVIT. (1) At any time 10 or
18 more days prior to a hearing or a continued hearing, any party
19 may mail or deliver to the opposing party a copy of any affidavit
20 which he proposes to introduce in evidence, together with a
21 notice as provided in subdivision (2). Unless the opposing party,
22 within seven days after such mailing or delivery, mails or
23 delivers to the proponent a request to cross-examine an affiant,
24 his right to cross-examine such affiant is waived and the
25 affidavit, if introduced in evidence, shall be given the same
26 effect as if the affiant had testified orally. If an opportunity
27 to cross-examine an affiant is not afforded after request therefor
28 is made as herein provided, the affidavit may be introduced in
29 evidence, but shall be given only the same effect as other

1 hearsay evidence.

2 (2) The notice referred to in subdivision (1) shall
3 be substantially in the following form:

4 The accompanying affidavit of (here insert name of affiant)
5 will be introduced as evidence at the hearing in (here insert
6 title of proceeding). (Here insert name of affiant) will not
7 be called to testify orally and you will not be entitled to
8 question him unless you notify (here insert name of proponent
9 or his attorney) at (here insert address) that you wish to
10 cross-examine him. To be effective your request must be mailed
11 or delivered to (here insert name of proponent or his attorney)
12 on or before (here insert a date seven days after the date of
13 mailing or delivering the affidavit to the opposing party).

14 Sec. 16. OFFICIAL NOTICE. In reaching a decision official
15 notice may be taken, either before or after submission of the
16 case for decision, of any generally accepted technical or
17 scientific matter within the agency's special field, and of any
18 fact which may be judicially noticed by the courts of this State.
19 Parties present at the hearing shall be informed of the matters
20 to be noticed, and those matters shall be noted in the record,
21 referred to therein, or appended thereto. Any such party shall
22 be given a reasonable opportunity on request to refute the
23 officially noticed matters by evidence or by written or oral
24 presentation of authority, the manner of such refutation to be
25 determined by the agency.

26 Sec. 17. AMENDMENT OF ACCUSATION AFTER SUBMISSION. The
27 agency may order amendment of the accusation after submission of
28 the case for decision. Each party shall be given notice of the
29 intended amendment and opportunity to show that he will be

1 prejudiced thereby unless the case is reopened to permit the
2 introduction of additional evidence in his behalf. If such
3 prejudice is shown the agency shall reopen the case to permit the
4 introduction of additional evidence.

5 Sec. 18. (1) DECISION. If a contested case is heard before
6 an agency itself the hearing officer who presided at the hearing
7 shall be present during the consideration of the case and if
8 requested, shall assist and advise the agency. Where a contested
9 case is heard before an agency itself, no member thereof who did
10 not hear the evidence shall vote on the decision.

11 (2) ADOPTION OF PROPOSED DECISION OF HEARING OFFICER.
12 If a contested case is heard by a hearing officer alone, he shall
13 prepare a proposed decision in such form that it may be adopted
14 as the decision in the case. A copy of the proposed decision
15 shall be filed by the agency as a public record with the Secretary
16 of State and a copy of the proposed decision shall be served by
17 the agency on each party in the case and his attorney. The agency
18 itself may adopt the proposed decision in its entirety, or may
19 reduce the proposed penalty and adopt the balance of the proposed
20 decision.

21 (3) PROCEDURE UPON FAILURE TO ADOPT PROPOSED DECISION.
22 If the proposed decision is not adopted as provided in subdivision
23 (2) the agency itself may decide the case upon the record,
24 including the transcript, with or without taking additional
25 evidence, or may refer the case to the same or another hearing
26 officer to take additional evidence. If the case is so assigned
27 to a hearing officer he shall prepare a proposed decision as
28 provided in subdivision (2) upon the additional evidence and the
29 transcript and other papers which are part of the record of the

1 prior hearing. A copy of such proposed decision shall be furnished
2 to each party and his attorney as prescribed by subdivision (2).
3 The agency itself shall decide no case provided for in this sub-
4 division without affording the parties the opportunity to present
5 either oral or written argument before the agency itself. If
6 additional oral evidence is introduced before the agency itself
7 no agency member may vote unless he heard the additional oral
8 evidence.

9 Sec. 19. FORM OF DECISION: RETROACTIVE EFFECT. The
10 decision shall be in writing and shall contain findings of fact,
11 a determination of the issues presented and the penalty, if
12 any. The findings may be stated in the language of the pleadings
13 or by reference thereto. Copies of the decision shall be
14 delivered to the parties personally or sent to them by registered
15 mail. The decision in a primarily judicial proceeding shall have
16 retroactive effect in the same manner as a decision of the courts
17 of Alaska.

18 Sec. 20. EFFECTIVE DATE OF DECISION. (1) The decision
19 shall become effective 30 days after it is delivered or mailed
20 to respondent unless: A reconsideration is ordered within that
21 time, or the agency itself orders that the decision shall become
22 effective sooner, or a stay of execution is granted for a
23 particular purpose and not to postpone judicial review.

24 (2) A stay of execution may be included in the decision
25 or if not included therein may be granted by the agency at any
26 time before the decision becomes effective. The stay of execution
27 provided herein may be accompanied by an express condition that
28 respondent comply with specified terms of probation; provided,
29 however, that the terms of probation shall be just and reasonable

1 in the light of the findings and decision.

2 (3) If respondent was required to register with any
3 public officer, a notification of any suspension or revocation
4 shall be sent to such officer after the decision has become
5 effective.

6 Sec. 21. DEFAULTS. If the respondent fails to file a notice
7 of defense or to appear at the hearing, the agency itself may take
8 action based upon the respondent's express admissions or upon
9 other evidence, and affidavits may be used as evidence without any
10 notice to respondent; and where the burden of proof is on the
11 respondent to establish that he is entitled to the agency action
12 sought, the agency may act without taking evidence. Nothing
13 herein shall be construed to deprive the respondent of the right
14 to make any showing by way of mitigation.

15 Sec. 22. RECONSIDERATION (1) The agency itself may order
16 a reconsideration of all or part of the case on its own motion
17 or on petition of any party. The power to order a reconsideration
18 shall expire 30 days after the delivery or mailing of a decision
19 to respondent. If no action is taken on a petition within the
20 time allowed for ordering reconsideration, the petition shall be
21 deemed denied.

22 (2) The case may be reconsidered by the agency itself
23 on all the pertinent parts of the record and such additional
24 evidence and argument as may be permitted, or may be assigned
25 to a hearing officer. A reconsideration assigned to a hearing
26 officer shall be subject to the procedure provided in Section 18.
27 If oral evidence is introduced before the agency itself, no
28 agency member may vote unless he heard the evidence.

29 Sec. 23. PETITION FOR REINSTATEMENT OR REDUCTION OF PENALTY.

1 A person whose license has been revoked or suspended may petition
2 the agency for reinstatement or reduction of penalty after a
3 period of not less than one year has elapsed from the effective
4 date of the decision or from the date of the denial of a similar
5 petition. The agency shall give notice to the Attorney General
6 of the filing of the petition, and the Attorney General and the
7 petitioner shall be afforded an opportunity to present either
8 oral or written argument before the agency itself. The agency
9 itself shall decide the petition, and the decision shall include
10 the reasons therefor. This section shall not apply if the
11 statutes dealing with the particular agency contain different
12 provisions for reinstatement or reduction of penalty.

13 Sec. 24. JUDICIAL REVIEW. (1) Judicial review by the
14 Superior Court of any final administrative order may be had by
15 filing a notice of appeal in accordance with applicable rules
16 of court governing appeals in civil matters. Except as otherwise
17 provided in this section, any such notice shall be filed within
18 30 days after the last day on which reconsideration can be
19 ordered, and served on each party to the proceeding. The right
20 to appeal shall not be affected by the failure to seek reconsid-
21 eration before the agency. The complete record of the proceedings,
22 or such parts thereof as are designated by the appellant, shall
23 be prepared by the agency; a copy shall be delivered to all
24 parties participating in the appeal, and the original filed in
25 Superior Court within 30 days after designation of the record,
26 and payment by appellant of the estimated cost of preparation
27 of the complete or designated record, or filing a corporate
28 surety bond equal to said estimated cost. The complete record
29 includes the pleadings, all notices and orders issued by the

1 agency, any proposed decision by a hearing officer, the final
2 decision, a transcript of all testimony and proceedings, the
3 exhibits admitted or rejected, the written evidence, and all other
4 documents in the case. Upon order of the Superior Court, appeals
5 may be taken on the original record or parts thereof; the record
6 may be typewritten or duplicated by any standard process.
7 Analogous rules of court governing appeals in civil matters shall
8 be followed where this Act is silent, and when not in conflict
9 herewith.

10 (2) Superior Courts are empowered to enjoin at any
11 stage of an agency proceeding agency action in excess of consti-
12 tutional or statutory authority; if agency action is unlawfully
13 withheld or unreasonably withheld, the Superior Court shall have
14 jurisdiction to compel the agency to initiate action.

15 Sec. 25. SCOPE OF REVIEW. (1) All appeals shall be heard
16 by the Superior Court sitting without a jury. If the expense
17 of preparing all or any part of the record has been borne by
18 the prevailing party, such expense shall be taxable as costs,
19 and the prevailing party shall recover costs.

20 (2) The inquiry in such a case shall extend to the
21 questions whether the agency has proceeded without, or in excess
22 of jurisdiction; whether there was a fair hearing; and whether
23 there was any prejudicial abuse of discretion. Abuse of dis-
24 cretion is established if the agency has not proceeded in the
25 manner required by law, the order or decision is not supported by
26 the findings, or the findings are not supported by the evidence.

27 (3) The Court is authorized and empowered to exercise
28 its independent judgment on the evidence and where it is claimed
29 that the findings are not supported by the evidence, abuse of

1 discretion is established if the court determines that the
2 findings are not supported by the weight of the evidence; or not
3 supported by substantial evidence in the light of the whole
4 record.

5 (4) Where the court finds that there is relevant
6 evidence which, in the exercise of reasonable diligence, could
7 not have been produced or which was improperly excluded at the
8 hearing, it may enter judgment as provided in subdivision (5)
9 of this section remanding the case to be reconsidered in the
10 light of such evidence; or, the court may admit such evidence at
11 the appellate hearing without remanding the case. Superior Courts
12 shall on appeal have the right to augment the agency record in
13 whole or in part, even to the extent of holding a hearing de novo.

14 (5) The court shall enter judgment either setting
15 aside, modifying, remanding, or affirming the order or decision,
16 without limiting or controlling in any way the discretion legally
17 vested in the agency.

18 (6) The Superior Court in which proceedings under this
19 section are instituted may stay the operation of the administra-
20 tive order or decision pending the judgment of the court, or
21 until the filing of a notice of further appeal from the judgment,
22 or until the expiration of the time for filing such notice;
23 provided that no such stay shall be imposed or continued if the
24 court is satisfied that it is against the public interest. If
25 further appeal is taken, the Supreme Court may stay the Superior
26 Court judgment or agency order, in its discretion. Where any
27 final administrative order or decision is the subject of pro-
28 ceedings under this section, if the appeal shall have been filed
29 while the penalty imposed is in full force and effect, the

1 determination shall not be considered to have become moot in
2 cases where the penalty imposed by the administrative agency has
3 been completed or complied with during the pendency of such
4 proceedings.

5 Sec. 26. CONTINUANCES. The agency may grant continuances.
6 When a hearing officer has been assigned to such hearing, no
7 continuance may be granted except by him for good cause shown.

8 Sec. 27. CONTEMPT. If any person in proceedings before an
9 agency disobeys or resists any lawful order or refuses to respond
10 to a subpoena, or refuses to take the oath, or affirmation as a
11 witness or thereafter refuses to be examined, or is guilty of
12 misconduct during a hearing or so near the place thereof as to
13 obstruct the proceeding, the agency shall certify the facts to
14 the Superior Court in and for the division where the proceedings
15 are held. The court shall thereupon issue an order directing
16 the person to appear before the court and show cause why he
17 should not be punished as for contempt. The order and a copy of
18 the certified statement shall be served on the person. Thereafter
19 the court shall have jurisdiction of the matter. The same
20 proceedings shall be had, the same penalties may be imposed and
21 the person charged may purge himself of the contempt in the same
22 way as in the case of a person who has committed a contempt in
23 the trial of a civil action before a Superior Court.

24 Sec. 28. MAIL VOTE. The members of an agency qualified to
25 vote on any question may vote by mail.

26 Sec. 29. CHARGE. Any sums authorized to be expended under
27 this chapter by any agency shall be a legal charge against the
28 funds of the agency.

29 Sec. 30. POWER TO ADMINISTER OATHS. In any proceedings

1 under this chapter any agency, agency member, secretary of an
2 agency or hearing officer has power to administer oaths and
3 affirmations and to certify to official acts.

4 Sec. 31. IMPARTIALITY. The functions of hearing officers,
5 as well as those officers participating in decisions, shall be
6 conducted in an impartial manner with due regard for the rights
7 of all parties as well as the facts and the law, and consistent
8 with the orderly and prompt dispatch of proceedings. Such
9 officers, except to the extent required for the disposition of
10 ex parte matters authorized by law, shall not engage in interviews
11 with, or receive evidence or argument from, any party directly
12 or indirectly, except upon opportunity for all other parties to
13 be present. Copies of all communications with such officers
14 shall be served upon all parties.

15 Sec. 32. REPEALER. All laws inconsistent or in conflict
16 with this Act shall be deemed repealed or amended in accordance
17 with the provisions herein.

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