
By: **Senators Boozer and Hollinger**
Introduced and read first time: February 6, 1998
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Benefits - Determinations and Appeals - Transfer to Office**
3 **of Administrative Hearings**

4 FOR the purpose of transferring to the Office of Administrative Hearings the
5 responsibility for hearing appeals of initial determinations made with respect to
6 unemployment insurance benefits and other determinations under the laws
7 relating to unemployment insurance; abolishing the Board of Appeals of the
8 Department of Labor, Licensing, and Regulation; providing for the transfer of
9 hearing examiners and other personnel of the Board of Appeals; providing for
10 certain other transitory provisions; providing that any pending appeal of a
11 determination before the Board of Appeals as of a certain date shall be
12 transferred to the Office of Administrative Hearings; protecting the rights,
13 privileges, and claims of claimants and employers under the unemployment
14 insurance law; and relating generally to the appeals of claims under the
15 unemployment insurance laws.

16 BY repealing
17 Article - Labor and Employment
18 Section 8-501 through 8-512 and the subtitle "Subtitle 5. Board of Appeals of
19 Department of Economic and Employment Development"
20 Annotated Code of Maryland
21 (1991 Volume and 1997 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - State Government
24 Section 9-1601(a) and 10-203(a)
25 Annotated Code of Maryland
26 (1995 Replacement Volume and 1997 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That Section(s) 8-501 through 8-512 and the subtitle "Subtitle 5.
29 Board of Appeals of Department of Economic and Employment Development" of
30 Article - Labor and Employment of the Annotated Code of Maryland be repealed.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3

Article - State Government

4 9-1601.

5 (a) This subtitle does not apply to:

6 (1) the Governor;

7 (2) any unit of the Judicial Branch;

8 (3) any unit of the Legislative Branch;

9 (4) the Comptroller of the Treasury;

10 (5) the inmate adjustment hearing officers;

11 (6) the Public Service Commission;

12 (7) the State Workers' Compensation Commission;

13 (8) the Parole Commission;

14 (9) the Health Services Cost Review Commission; AND

15 (10) the Health Resources Planning Commission[; and

16 (11) unemployment insurance benefit determinations and employer
17 obligation determinations in the Department of Labor, Licensing, and Regulation,
18 and appeals from those determinations].

19 10-203.

20 (a) This subtitle does not apply to:

21 (1) the Legislative Branch of the State government or an agency of the
22 Legislative Branch;23 (2) the Judicial Branch of the State government or an agency of the
24 Judicial Branch;25 (3) the following agencies of the Executive Branch of the State
26 government:

27 (i) the Governor;

28 (ii) the Department of Assessments and Taxation;

- 1 (iii) the Insurance Administration except as specifically provided in
 2 the Insurance Article;
- 3 (iv) the Injured Workers' Insurance Fund;
- 4 (v) the Maryland Parole Commission of the Department of Public
 5 Safety and Correctional Services;
- 6 (vi) the Public Service Commission;
- 7 (vii) the Maryland Tax Court;
- 8 (viii) the State Workers' Compensation Commission;
- 9 (ix) the Maryland Automobile Insurance Fund; or
- 10 (x) the Patuxent Institution Board of Review, when acting on a
 11 parole request;
- 12 (4) an officer or unit not part of a principal department of State
 13 government that:
- 14 (i) is created by or pursuant to the Maryland Constitution or
 15 general or local law;
- 16 (ii) operates in only 1 county; and
- 17 (iii) is subject to the control of a local government or is funded
 18 wholly or partly from local funds; OR
- 19 [(5) unemployment insurance claim determinations, tax determinations,
 20 and appeals in the Department of Labor, Licensing, and Regulation except as
 21 specifically provided in Subtitle 5 of Title 8 of the Labor and Employment Article; or]
- 22 [(6)] (5) any other entity otherwise expressly exempted by statute.

23 SECTION 3. AND BE IT FURTHER ENACTED, That, to the extent possible,
 24 all hearing examiners, special examiners, and other employees of the Board of
 25 Appeals of the Department of Labor, Licensing, and Regulation shall be transferred to
 26 other comparable positions in the Division of Employment and Training of the
 27 Department or other units of State government without diminution of their rights,
 28 benefits, or employment or retirement status.

29 SECTION 4. AND BE IT FURTHER ENACTED, That all books, records,
 30 personal property, fixtures, appropriations, and obligations of the Board of Appeals of
 31 the Department of Labor, Licensing, and Regulation that exist on June 30, 1998 shall
 32 be transferred to the Office of Administrative Hearings.

33 SECTION 5. AND BE IT FURTHER ENACTED, That, as of July 1, 1998, any
 34 appeal from an initial determination on a claim for unemployment insurance benefits
 35 filed with the Office of Employment Services of the Division of Employment and

1 Training of the Department of Labor, Licensing, and Regulation pending before the
2 Board of Appeals of the Department shall be transferred to the Office of
3 Administrative Hearings.

4 SECTION 6. AND BE IT FURTHER ENACTED, That this Act may not be
5 construed or operate in any way to affect the rights, privileges, and claims of any
6 claimant or employer, as those terms are defined in § 8-101 of the Labor and
7 Employment Article of the Annotated Code of Maryland before, on, or after the
8 effective date of this Act.

9 SECTION 7. AND BE IT FURTHER ENACTED, That, except as otherwise
10 provided by law, all existing laws and regulations with respect to unemployment
11 insurance that are in effect on the effective date of this Act shall continue in effect
12 until canceled, modified, or otherwise changed in accordance with law.

13 SECTION 8. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 1998.