
By: **Delegates Vallario, Giannetti, Palumbo, Rawlings, R. Baker,
Valderrama, Montague, Cole, Doory, Dembrow, Turner, Gladden,
Griffith, Pitkin, Franchot, and Zirkin**

Introduced and read first time: February 10, 2000
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Office of Administrative Hearings - Administrative Law Judges -**
3 **Appointment and Removal**

4 FOR the purpose of eliminating the authority of the Chief Administrative Law Judge
5 to establish qualifications for administrative law judges and to appoint and
6 remove administrative law judges; providing the Governor with the authority to
7 appoint administrative law judges, by and with the advice and consent of the
8 Senate; altering provisions of law to provide the Governor with the authority to
9 remove, suspend, or demote an administrative law judge under certain
10 circumstances; and generally relating to administrative law judges.

11 BY repealing and reenacting, with amendments,
12 Article - State Government
13 Section 9-1604(a) and 9-1605(a)
14 Annotated Code of Maryland
15 (1999 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - State Government**

19 9-1604.

20 (a) The Chief Administrative Law Judge shall:

21 (1) supervise the Office of Administrative Hearings;

22 [(2) establish qualifications for administrative law judges;

23 (3) appoint and remove administrative law judges in accordance with §
24 9-1605 of this subtitle;]

1 [(4)] (2) assign administrative law judges to conduct hearings in
2 contested cases;

3 [(5)] (3) if necessary, establish classifications for case assignment on the
4 basis of subject matter, expertise, and case complexity;

5 [(6)] (4) establish and implement standard and specialized training
6 programs and provide materials for administrative law judges;

7 [(7)] (5) provide and coordinate continuing education programs and
8 services for administrative law judges, including research, technical assistance,
9 technical and professional publications, compiling and disseminating information,
10 and advise of changes in the law relative to their duties;

11 [(8)] (6) develop model rules of procedure and other guidelines for
12 administrative hearings;

13 [(9)] (7) develop a code of professional responsibility for administrative
14 law judges; and

15 [(10)] (8) monitor the quality of State administrative hearings.

16 9-1605.

17 (a) An administrative law judge:

18 (1) shall be a special appointment in the State Personnel Management
19 System;

20 (2) **SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND**
21 **CONSENT OF THE SENATE;**

22 [(2)] (3) may be removed, suspended, or demoted by the [Chief
23 Administrative Law Judge] GOVERNOR for cause, after notice and an opportunity to
24 be heard;

25 [(3)] (4) shall receive the compensation provided in the State budget;
26 and

27 [(4)] (5) may not perform duties inconsistent with the duties and
28 responsibilities of an administrative law judge.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2000.