

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 133 (Delegate Vallario, *et al.*)
Judiciary and Commerce and Government Matters

Office of Administrative Hearings

This bill requires the Chief Administrative Law Judge to establish at least one regional office of the Office of Administrative Hearings (OAH) in each of four geographically dispersed State regions. It also requires the Governor to appoint administrative law judges and fixes an administrative law judge's term at ten years.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: OAH must have at least one office in each of the following regions:

- Allegany, Garrett, and Washington counties;
- Calvert, Charles, and St. Mary's counties;
- Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties; and
- Anne Arundel, Baltimore, Carroll, Frederick, Harford, Prince George's, and Montgomery counties and Baltimore City.

The bill requires the Governor to appoint administrative law judges (ALJ), with the advice and consent of the Senate and with consideration to the geographical diversity of

the State. An ALJ must be a State resident and be admitted to practice law for at least three years. An ALJ's term is ten years, but an ALJ may be removed, suspended, or demoted by the Governor for cause, after notice and an opportunity to be heard.

Current Law: ALJs are regular State employees appointed and removed by the Chief Administrative Law Judge. An ALJ must be admitted to the State Bar but there is no set term.

There are no provisions concerning how many offices OAH must maintain.

Background: OAH is an independent unit of State government within the executive branch that adjudicates administrative matters outside the District Court or circuit courts. In presiding over a case, an ALJ is authorized to administer oaths, examine individuals under oath, issue subpoenas, and compel the production of documents.

State Fiscal Effect: The provisions of this bill could be handled with current resources. OAH advises that it already has office space in the four regions the bill defines.

Additional Information

Prior Introductions: A bill requiring gubernatorial appointment of administrative law judges, HB 758, was introduced in 2000. It was not reported from the House Commerce and Government Matters Committee.

Cross File: None.

Information Source(s): Office of Administrative Hearings, Governor's Office, Department of Legislative Services

Fiscal Note History: First Reader – February 12, 2001
jm/jr

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