
By: **Senator Baker**

Introduced and read first time: January 30, 2002

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Office of Administrative Hearings**

3 FOR the purpose of eliminating the authority of the Chief Administrative Law Judge
4 of the Office of Administrative Hearings to establish qualifications for
5 administrative law judges and to appoint, remove, suspend, and demote
6 administrative law judges; authorizing the Governor to appoint administrative
7 law judges with the advice and consent of the Senate; requiring the Governor to
8 consider certain factors in appointing administrative law judges; authorizing
9 the Governor to remove, suspend, or demote an administrative law judge under
10 certain circumstances; requiring an administrative law judge to devote full time
11 to the duties of the Office of Administrative Hearings; requiring certain
12 qualifications for appointment as an administrative law judge; providing for
13 taking a certain oath of office; establishing a certain term of office for certain
14 administrative law judges; providing for the application of certain provisions of
15 this Act concerning the appointment and term of an administrative law judge to
16 certain persons who are serving as administrative law judges on the effective
17 date of this Act; and generally relating to the Office of Administrative Hearings.

18 BY repealing and reenacting, with amendments,
19 Article - State Government
20 Section 9-1604(a) and 9-1605(a)
21 Annotated Code of Maryland
22 (1999 Replacement Volume and 2001 Supplement)

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

25 **Article - State Government**

26 9-1604.

27 (a) The Chief Administrative Law Judge shall:

28 (1) supervise the Office of Administrative Hearings;

- 1 [(2)] establish qualifications for administrative law judges;
- 2 (3) appoint and remove administrative law judges in accordance with §
3 9-1605 of this subtitle;]
- 4 [(4)] (2) assign administrative law judges to conduct hearings in
5 contested cases;
- 6 [(5)] (3) if necessary, establish classifications for case assignment on the
7 basis of subject matter, expertise, and case complexity;
- 8 [(6)] (4) establish and implement standard and specialized training
9 programs and provide materials for administrative law judges;
- 10 [(7)] (5) provide and coordinate continuing education programs and
11 services for administrative law judges, including research, technical assistance,
12 technical and professional publications, compiling and disseminating information,
13 and advise of changes in the law relative to their duties;
- 14 [(8)] (6) develop model rules of procedure and other guidelines for
15 administrative hearings;
- 16 [(9)] (7) develop a code of professional responsibility for administrative
17 law judges; and
- 18 [(10)] (8) monitor the quality of State administrative hearings.
- 19 9-1605.
- 20 (a) (1) An administrative law judge:
- 21 [(1)] (I) shall be a special appointment in the State Personnel
22 Management System;
- 23 (II) SHALL BE APPOINTED BY THE GOVERNOR AFTER GIVING DUE
24 CONSIDERATION TO THE RECOMMENDATION OF THE CHIEF ADMINISTRATIVE LAW
25 JUDGE, WITH THE ADVICE AND CONSENT OF THE SENATE;
- 26 [(2)] (III) may be removed, suspended, or demoted, FOR CAUSE, by the
27 [Chief Administrative Law Judge for cause,] GOVERNOR AFTER GIVING DUE
28 CONSIDERATION TO THE RECOMMENDATION OF THE CHIEF ADMINISTRATIVE LAW
29 JUDGE AND after notice and an opportunity to be heard;
- 30 [(3)] (IV) shall receive the compensation provided in the State budget;
31 [and]
- 32 [(4)] (V) may not perform duties inconsistent with the duties and
33 responsibilities of an administrative law judge; AND
- 34 (VI) SHALL DEVOTE FULL TIME TO THE DUTIES OF THE OFFICE OF
35 ADMINISTRATIVE HEARINGS.

1 (2) THE GOVERNOR SHALL CONSIDER AS FACTORS IN APPOINTING
2 ADMINISTRATIVE LAW JUDGES THE RACIAL, GENDER, AND GEOGRAPHIC DIVERSITY
3 OF THE STATE.

4 (3) EACH ADMINISTRATIVE LAW JUDGE SHALL:

5 (I) BE A RESIDENT OF THE STATE AT THE TIME OF APPOINTMENT;

6 (II) BE ADMITTED TO THE PRACTICE OF LAW IN THE STATE; AND

7 (III) HAVE AT LEAST 5 YEARS EXPERIENCE IN THE PRACTICE OF
8 LAW.

9 (4) BEFORE TAKING OFFICE, EACH APPOINTEE AS AN ADMINISTRATIVE
10 LAW JUDGE SHALL TAKE THE OATH REQUIRED BY ARTICLE 1, § 9 OF THE MARYLAND
11 CONSTITUTION.

12 (5) EXCEPT AS PROVIDED UNDER § 9-1603 OF THIS SUBTITLE, THE TERM
13 OF AN ADMINISTRATIVE LAW JUDGE SHALL BE 10 YEARS.

14 (6) AT THE END OF A TERM, AN ADMINISTRATIVE LAW JUDGE
15 CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

16 SECTION 2. AND BE IT FURTHER ENACTED, That in the case of a person
17 serving as an administrative law judge on the effective date of this Act, the provisions
18 of this Act requiring an administrative law judge to be appointed by the Governor,
19 with the advice and consent of the Senate, shall apply to the administrative law judge
20 starting at the end of the administrative law judge's first 10-year term as calculated
21 under Section 3 of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That in the case of a person
23 serving as an administrative law judge on the effective date of this Act, the provisions
24 of this Act providing for a 10-year term for an administrative law judge shall be
25 calculated starting from the effective date of this Act.

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect October 1, 2002.