

BY: Senator Della

AMENDMENTS TO HOUSE BILL NO. 727, AS AMENDED  
(Third Reading File Bill)

AMENDMENT NO. 1

Strike the Education, Health, and Environmental Affairs Committee Amendments (HB0727/314533/1) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, strike beginning with “establishing” in line 8 down through “penalty;” in line 9; and in line 13, after “citation;” insert “prohibiting a certain hearing from being delegated to the Office of Administrative Hearings;”.

On page 2, after line 4, insert:

“BY repealing and reenacting, with amendments,

Article - State Government

Section 10-205(a)

Annotated Code of Maryland

(2004 Replacement Volume)”.

AMENDMENT NO. 3

On page 6 of the bill, in line 33, after “CITATION;” insert “AND”; and in line 34, strike “; AND” and substitute a period.

AMENDMENT NO. 4

On page 7 of the bill, strike lines 1 and 2 in their entirety; in lines 8 and 9, strike “: (1)” and substitute a comma; strike beginning with “; AND” in line 10 down through “DOUBLED” in line 12; in line 17, after “(F)” insert “(1)”; and after line 20, insert:

“(2) A HEARING HELD IN ACCORDANCE WITH PARAGRAPH (1) OF THIS

(Over)

SUBSECTION MAY NOT BE DELEGATED TO THE OFFICE OF ADMINISTRATIVE HEARINGS UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.”.

AMENDMENT NO. 5

On page 12 of the bill, in line 6, after “CITATION;” insert “AND”; strike beginning with “; AND” in line 7 down through “DAYS” in line 9; in lines 15 and 16, strike “: (1)” and substitute a comma; strike beginning with “; AND” in line 17 down through “DOUBLED” in line 19; in line 24, after “(F)” insert “(1)”; after line 27, insert:

“(2) A HEARING HELD IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE DELEGATED TO THE OFFICE OF ADMINISTRATIVE HEARINGS UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.”;

and after line 32, insert:

“Article - State Government

10-205.

(a) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A board, commission, or agency head authorized to conduct a contested case hearing shall:

(i) conduct the hearing; or

(ii) delegate the authority to conduct the contested case hearing to:

1. the Office; or

2. with the prior written approval of the Chief Administrative Law Judge, a person not employed by the Office.

(2) A HEARING HELD IN ACCORDANCE WITH § 4-608(F) OR § 5-610(F) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE MAY NOT BE DELEGATED TO THE OFFICE.

[(2)] (3) With the written approval of the Chief Administrative Law Judge, a class of contested case hearings may be delegated as provided in paragraph (1)(ii)2 of this subsection.

[(3)] (4) This subsection is not intended to restrict the right of an individual, expressly authorized by a statute in effect on October 1, 1993, to conduct a contested case hearing.”.