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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 845

Session of  
1987

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INTRODUCED BY LASHINGER, MOEHLMANN, SAURMAN, JOSEPHS, NAHILL,  
SEMMELE, D. W. SNYDER, FOX, E. Z. TAYLOR, WOGAN, BORTNER AND  
TRELLO, MARCH 16, 1987

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 16, 1987

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AN ACT

1 Establishing the Office of Administrative Hearings; providing  
2 for administrative law judges and providing for their  
3 respective powers and duties; establishing the Office of  
4 Administrative Hearings Account in the State Treasury; and  
5 making an appropriation.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the  
10 Administrative Hearing Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall  
13 have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 "Office." The Office of Administrative Hearings.

16 Section 3. Office of Administrative Hearings.

17 (a) Establishment.--There is hereby established the Office  
18 of Administrative Hearings.

19 (b) Chief Administrative Law Judge.--The office shall be

1 under the direction of the Chief Administrative Law Judge, who  
2 shall be appointed by the Governor, with the advice and consent  
3 of a majority of the members elected to the Senate, for a term  
4 of six years. He may be removed only for just cause.

5 (c) Transfer of existing administrative law judges.--All  
6 Commonwealth employees who are attorneys at law and are employed  
7 full time as administrative law judges are hereby transferred to  
8 the Office of Administrative Hearings. The Chief Administrative  
9 Law Judge shall appoint additional administrative law judges  
10 when necessary. If none are available, the Chief Administrative  
11 Law Judge may contract with qualified individuals to serve as  
12 temporary administrative law judges. All full-time  
13 administrative law judges shall be appointed pursuant to the act  
14 of August 5, 1941 (P.L.752, No.286), known as the Civil Service  
15 Act.

16 Section 4. Duties of Chief Administrative Law Judge.

17 (a) Management.--Management duties of the Chief  
18 Administrative Law Judge shall include, but not be limited to:

19 (1) Organizing the office and judges in such a way as to  
20 promote the most cost-effective operation of administrative  
21 hearings for the Commonwealth.

22 (2) Requesting and arranging for the transfer of  
23 clerical assistants, personnel and furnishings from  
24 Commonwealth agencies to ensure the efficient operation of  
25 the office.

26 (3) Contracting with nongovernmental sources for a court  
27 reporter service.

28 (b) Assignment of judges.--The Chief Administrative Law  
29 Judge may hear cases. He shall attempt to assign administrative  
30 law judges to cases where they have expertise.

1 Section 5. Hearings.

2 (a) Conduct.--Hearings shall be conducted in accordance with  
3 the rules promulgated under Title 2 of the Pennsylvania  
4 Consolidated Statutes (relating to administrative law and  
5 procedure).

6 (b) Effect of ruling.--The effect of the administrative law  
7 judge's ruling shall operate as a recommendation subject to an  
8 agency's adoption.

9 Section 6. Costs.

10 The Chief Administrative Law Judge shall assess the cost of  
11 services rendered to agencies in the conduct of hearings. All  
12 agencies shall include provisions for these assessments in their  
13 budgets.

14 Section 7. Office of Administrative Hearings Account.

15 There is hereby established a separate account in the State  
16 Treasury to be known as the Office of Administrative Hearings  
17 Account. All receipts from services rendered by the Office of  
18 Administrative Hearings shall be deposited in the account, and  
19 all funds in the account shall be annually appropriated to the  
20 Office of Administrative Hearings for carrying out its duties.  
21 This shall be a continuing appropriation.

22 Section 8. Repeals.

23 All acts and parts of acts are repealed insofar as they are  
24 inconsistent with this act.

25 Section 9. Effective date.

26 This act shall take effect as follows:

27 (1) Section 3(b) of this act shall take effect in 90  
28 days.

29 (2) The remainder of this act shall take effect in one  
30 year.