

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 398
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “Task Force on the Administrative Procedure Act”; in line 4, after “of” insert “establishing the Task Force on the Administrative Procedure Act; providing for the membership and chair of the Task Force; requiring the Department of Legislative Services to provide staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation but entitling members to reimbursement for certain expenses; providing for the duties of the Task Force; requiring the Task Force to submit a certain report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on the Administrative Procedure Act.”; and strike beginning with “expanding” in line 4 down through “Supplement)” in line 17.

AMENDMENT NO. 2

On page 1, in line 19, strike “the Laws of Maryland read as follows”; after line 19, insert:

“(a) There is a Task Force on the Administrative Procedure Act.

(b) The Task Force consists of the following members:

(1) one member of the House of Delegates, appointed by the Speaker of the House;

(2) one member of the Senate of Maryland, appointed by the President of the Senate;

(Over)

- (3) the Attorney General, or the Attorney General's designee;
 - (4) the Chief Administrative Law Judge of the Office of Administrative Hearings, or the Chief Administrative Law Judge's designee;
 - (5) a Maryland judge, appointed by the Chief Judge of the Court of Appeals;
 - (6) the secretary of an executive branch department, appointed by the Governor, or the secretary's designee;
 - (7) one member each from a pharmacy, dental, and medical professional organization;
 - (8) two representatives of the Administrative Law section of the Maryland State Bar Association who are familiar with administrative law but who do not work for the government, appointed by the Bar Association;
 - (9) a representative of the American Federation of State, County, and Municipal Employees, appointed by the officers of the American Federation of State, County and Municipal Employees;
 - (10) a representative of the Firefighters Union; and
 - (11) two law professors who specialize in administrative law, one appointed by the Dean of the University of Maryland and one by the Dean of the University of Baltimore Law Schools.
- (c) The members of the Task Force shall represent geographic, ethnic, and cultural differences throughout the State.

(d) The members of the Task Force shall select a Chair of the Task Force from among the members.

(e) The Department of Legislative Services shall provide staff for the Task Force.

(f) A member of the Task Force:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(g) The Task Force shall study the judicial review procedures of the Administrative Procedure Act to determine whether it is desirable and in the public interest for the judicial review procedures in the Act to be revised and updated.

(h) The Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on or before December 31, 2009.”.

On pages 1 and 2, strike in their entirety the lines beginning with line 20 on page 1 through line 23 on page 2, inclusive.

On page 2, in line 25, after “2008.” insert “It shall remain effective for a period of 1 year and 6 months and, at the end of March 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.