

By: Chairman, Judicial Proceedings Committee (Departmental - Admin. Hearings, Office of)

Requested: November 8, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 1996

CHAPTER ____

1 AN ACT concerning

2 Administrative Procedure Act - Telephone and Video Conferencing

3 FOR the purpose of altering the authority to hold contested case hearings by telephone
4 and other electronic means to include specifically the holding of hearings by video
5 conferencing; requiring good cause for objections to the holding of hearings by
6 certain means; clarifying the alternatives for holding hearings if certain objections
7 are established; requiring the Office of Administrative Hearings to report certain
8 information to certain committees of the General Assembly; and generally relating
9 to the Administrative Procedure Act.

10 BY repealing and reenacting, with amendments,
11 Article - State Government
12 Section 10-211
13 Annotated Code of Maryland
14 (1995 Replacement Volume)

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

17 Article - State Government

18 10-211.

19 (A) [If a party does not object,] IN ACCORDANCE WITH SUBSECTION (B) OF
20 THIS SECTION, a hearing may be conducted by telephone, VIDEO CONFERENCING, or
21 other electronic means.

2

1 (B) (1) FOR GOOD CAUSE, A PARTY MAY OBJECT TO THE HOLDING OF A
2 HEARING BY TELEPHONE, VIDEO CONFERENCING, OR OTHER ELECTRONIC MEANS.

3 (2) IF A PARTY ESTABLISHES GOOD CAUSE IN OPPOSITION TO THE
4 HOLDING OF A HEARING BY TELEPHONE OR OTHER SIMILAR AUDIO ELECTRONIC
5 MEANS, THE HEARING SHALL BE HELD IN PERSON OR BY VIDEO CONFERENCING OR
6 OTHER SIMILAR AUDIOVISUAL ELECTRONIC MEANS.

7 (3) IF A PARTY ESTABLISHES GOOD CAUSE IN OPPOSITION TO THE
8 HOLDING OF A HEARING BY VIDEO CONFERENCING OR OTHER SIMILAR
9 AUDIOVISUAL ELECTRONIC MEANS, THE HEARING SHALL BE CONDUCTED IN
10 PERSON.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Office of
12 Administrative Hearings shall report, in accordance with § 2-1312 of the State
13 Government Article, the following information to the Senate Judicial Proceedings
14 Committee and the House Commerce and Government Matters Committee before
15 October 1 of each year:

16 (1) The number of hearings that were conducted by telephone or video
17 conferencing during the preceding fiscal year;

18 (2) The types of cases in which hearings were conducted by telephone or
19 video conferencing;

20 (3) The number of cases in which a party objected to the holding of a
21 hearing by telephone or video conferencing, the grounds for those objections, and the
22 disposition of each objection;

23 (4) The outcome of each case in which a hearing was conducted by
24 telephone or video conferencing, including the outcome on appeal, if applicable; and

25 (5) The outcome of cases in the same category which were not heard by
26 telephone or video conferencing, including the outcome on appeal, if applicable.

27 SECTION 2- 3. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect June 1, 1996.