

(PRE-FILED)

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By: **Senator Haines**  
Requested: October 23, 2001  
Introduced and read first time: January 9, 2002  
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Administrative Procedure Act - Contested Cases - Time Limit for Making**  
3 **Final Decision**

4 FOR the purpose of requiring the final decision maker in a contested case under the  
5 Administrative Procedure Act to make the final decision within a certain period  
6 of time after exceptions to the proposed decision are filed or arguments are  
7 presented to the final decision maker; and generally relating to contested cases  
8 under the Administrative Procedure Act.

9 BY repealing and reenacting, with amendments,  
10 Article - State Government  
11 Section 10-216  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2001 Supplement)

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

16 **Article - State Government**

17 10-216.

18 (a) (1) In the case of a single decision maker, if the final decision maker in a  
19 contested case has not personally presided over the hearing, the final decision may  
20 not be made until each party is given notice of the proposed decision in accordance  
21 with § 10-220 of this subtitle and an opportunity to:

22 (i) file exceptions with the agency to the proposed decision; and

23 (ii) present argument to the final decision maker that the proposed  
24 decision should be affirmed, reversed, or remanded.

25 (2) In the case of a decision-making body, if a majority of the officials  
26 who are to make a final decision in a contested case have not personally presided over  
27 the hearing, the officials may not make the final decision until each party is given

1 notice of the proposed decision in accordance with § 10-220 of this subtitle and an  
2 opportunity to:

- 3 (i) file exceptions to the proposed decision with the agency; and  
4 (ii) present argument to a majority of the officials who are to make  
5 the final decision.

6 (3) If a party files exceptions or presents argument under paragraph (1)  
7 or (2) of this subsection, the official or officials who are to make the final decision  
8 shall:

9 (I) personally consider each part of the record that a party cites in  
10 its exceptions or arguments before making a final decision; AND

11 (II) MAKE THE FINAL DECISION WITHIN 90 DAYS AFTER THE  
12 EXCEPTIONS ARE FILED OR THE ARGUMENT IS PRESENTED, WHICHEVER IS LATER.

13 (b) The final decision shall identify any changes, modifications, or  
14 amendments to the proposed decision and the reasons for the changes, modifications,  
15 or amendments.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to  
17 any proposed decision issued in a contested case under Title 10, Subtitle 2 of the State  
18 Government Article after the effective date of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2002.