

SENATE BILL 31

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P3

2002 Regular Session  
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(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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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 14, 2002

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CHAPTER \_\_\_\_\_

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, except as otherwise provided by law or by  
8 agreement of the parties; and generally relating to contested cases under the  
9 Administrative Procedure Act.

10 BY repealing and reenacting, with amendments,  
11 Article - State Government  
12 Section 10-216  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2001 Supplement)

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 10-216.

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

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

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

4 (2) In the case of a decision-making body, if a majority of the officials  
5 who are to make a final decision in a contested case have not personally presided over  
6 the hearing, the officials may not make the final decision until each party is given  
7 notice of the proposed decision in accordance with § 10-220 of this subtitle and an  
8 opportunity to:

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

10 (ii) present argument to a majority of the officials who are to make  
11 the final decision.

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

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

17 (II) EXCEPT AS OTHERWISE PROVIDED BY LAW OR BY AGREEMENT  
18 OF THE PARTIES, MAKE THE FINAL DECISION WITHIN 90 DAYS AFTER THE  
19 EXCEPTIONS ARE FILED OR THE ARGUMENT IS PRESENTED, WHICHEVER IS LATER.

20 (b) The final decision shall identify any changes, modifications, or  
21 amendments to the proposed decision and the reasons for the changes, modifications,  
22 or amendments.

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

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