

SENATE BILL 32

Unofficial Copy
P3

2002 Regular Session
2lr0728

(PRE-FILED)

By: **Senator Haines**
Requested: October 23, 2001
Introduced and read first time: January 9, 2002
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Administrative Procedure Act - Contested Cases - Department of the**
3 **Environment**

4 FOR the purpose of granting the Office of Administrative Hearings the authority to
5 conduct the hearing and issue the final administrative decision in all contested
6 cases from the Department of the Environment; and generally relating to
7 contested cases under the Administrative Procedure Act.

8 BY repealing and reenacting, with amendments,
9 Article - State Government
10 Section 10-205(a) and (b)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2001 Supplement)

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

15 **Article - State Government**

16 10-205.

17 (a) (1) A board, commission, or agency head authorized to conduct a
18 contested case hearing shall:

19 (i) conduct the hearing; or

20 (ii) delegate the authority to conduct the contested case hearing to:

21 1. the Office; or

22 2. with the prior written approval of the Chief
23 Administrative Law Judge, a person not employed by the Office.

1 (2) With the written approval of the Chief Administrative Law Judge, a
2 class of contested case hearings may be delegated as provided in paragraph (1)(ii)2 of
3 this subsection.

4 (3) This subsection is not intended to restrict the right of an individual,
5 expressly authorized by a statute in effect on October 1, 1993, to conduct a contested
6 case hearing.

7 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE OFFICE
8 SHALL CONDUCT THE HEARING IN ALL CONTESTED CASES FROM THE DEPARTMENT
9 OF THE ENVIRONMENT.

10 (b) (1) An agency may delegate to the Office the authority to issue:

11 [(1)] (I) proposed or final findings of fact;

12 [(2)] (II) proposed or final conclusions of law;

13 [(3)] (III) proposed or final findings of fact and conclusions of law;

14 [(4)] (IV) proposed or final orders or orders under Article 49B of the Code;

15 or

16 [(5)] (V) the final administrative decision of an agency in a contested

17 case.

18 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE OFFICE
19 HAS THE AUTHORITY TO ISSUE THE FINAL ADMINISTRATIVE DECISION IN ALL
20 CONTESTED CASES FROM THE DEPARTMENT OF THE ENVIRONMENT.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2002.