
By: **Senator Haines**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

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, except as otherwise provided by law or by
8 agreement of the parties; providing for the application of this Act; and generally
9 relating to contested cases under the 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 2002 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:

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

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

26 (2) In the case of a decision-making body, if a majority of the officials
27 who are to make a final decision in a contested case have not personally presided over
28 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) EXCEPT AS OTHERWISE PROVIDED BY LAW OR BY AGREEMENT
12 OF THE PARTIES, MAKE THE FINAL DECISION WITHIN 90 DAYS AFTER THE
13 EXCEPTIONS ARE FILED OR THE ARGUMENT IS PRESENTED, WHICHEVER IS LATER.

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

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

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2003.