

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL NO. 516
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after “Government -” insert “Task Force on the”; strike beginning with “expanding” in line 4 down through “decision” in line 6 and substitute “establishing a Task Force on the Administrative Procedure Act; providing for the composition and duties of the Task Force; requiring the Task Force to report findings and recommendations to the Governor and the General Assembly on or before a certain date; and providing for the termination of this Act”; and strike in their entirety lines 7 through 16, inclusive, and substitute:

“Preamble

WHEREAS, The Administrative Procedure Act contained in Title 10 of the State Government Article was first enacted in 1957; and

WHEREAS, The Administrative Procedure Act was last significantly revised in 1993 and case law has continued to develop; and

WHEREAS, It is desirable and in the public interest to determine whether judicial review procedures of the Administrative Procedure Act should be revised and updated; now, therefore,”.

AMENDMENT NO. 2

On page 1, in line 18, strike “the Laws of Maryland read as follows”.

On page 2, strike in their entirety lines 1 through 28, inclusive, and substitute:

“(a) There is a Task Force on the Administrative Procedure Act.

(Over)

(b) The Task Force consists of the following members:

(1) one member of the House of Delegates, appointed by the Speaker of the House;

(2) one member of the Senate of Maryland, appointed by the President of the Senate;

(3) the Attorney General, or the Attorney General's designee;

(4) the Chief Administrative Law Judge of the Office of Administrative Hearings, or the Chief Administrative Law Judge's designee;

(5) a Maryland judge, appointed by the Chief Judge of the Court of Appeals;

(6) the Secretary of an Executive Branch department, appointed by the Governor, or the Secretary's designee;

(7) (i) one member of the public, appointed by the President of the Senate;
and

(ii) one member of the public, appointed by the Speaker of the House;

(8) two representatives of the Maryland State Bar Association who are familiar with administrative law but do not work for the government, appointed by the Bar Association; and

(9) a representative of the American Federation of State, County and Municipal Employees, appointed by the officers of the American Federation of State, County and Municipal Employees.

(c) The members of the Task Force shall represent geographic, ethnic, and cultural differences throughout the State.

(d) The members of the Task Force shall designate the Chair of the Task Force.

(e) The Department of Legislative Services shall provide staff for the Task Force.

(f) A member of the Task Force:

(1) may not receive compensation; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations as provided in the State budget.

(g) The Task Force shall study:

(1) the judicial review procedures of the Administrative Procedure Act; and

(2) whether it is desirable and in the public interest for the judicial review procedures to be revised and updated.

(h) The Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly, on or before December 31, 2006.”.

On page 2, in line 30, strike “October 1, 2006.” and substitute “July 1, 2006. It shall remain effective for a period of 1 year and, at the end of June 30, 2007, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.