

HOUSE BILL 679

C2

9lr2219

By: **Delegates Manno and Feldman**

Introduced and read first time: February 9, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Real Estate Commission – Delegation of Authority to Conduct**
3 **Contested Case Hearings**

4 FOR the purpose of authorizing the State Real Estate Commission to delegate to a
5 hearing officer the authority to conduct a contested case hearing and to issue
6 certain findings of fact, conclusions of law, and orders; authorizing the
7 Commission to enter into certain contracts; requiring the Commission to adopt
8 certain regulations; exempting the Commission from certain provisions of law
9 that authorize the delegation of authority to conduct contested case hearings to
10 the Office of Administrative Hearings; and generally relating to contested case
11 hearings and the State Real Estate Commission.

12 BY repealing and reenacting, with amendments,
13 Article – Business Occupations and Professions
14 Section 17–324(a)
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2008 Supplement)

17 BY adding to
18 Article – Business Occupations and Professions
19 Section 17–326.1
20 Annotated Code of Maryland
21 (2004 Replacement Volume and 2008 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – State Government
24 Section 10–203(a)
25 Annotated Code of Maryland
26 (2004 Replacement Volume and 2008 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Business Occupations and Professions**

4 17–324.

5 (a) Except as otherwise provided in § 10–226 of the State Government
6 Article, before the Commission takes any final action under § 17–322 of this subtitle, it
7 shall give the individual against whom the action is contemplated an opportunity for a
8 hearing before:

9 (1) the Commission [or,];

10 (2) as provided under § 17–326 of this subtitle, a hearing board; **OR**

11 (3) **AS PROVIDED UNDER § 17–326.1 OF THIS SUBTITLE, A**
12 **HEARING OFFICER.**

13 **17–326.1.**

14 (A) **THE COMMISSION MAY DELEGATE TO A HEARING OFFICER THE**
15 **AUTHORITY TO:**

16 (1) **CONDUCT A CONTESTED CASE HEARING; AND**

17 (2) **ISSUE:**

18 (I) **PROPOSED OR FINAL FINDINGS OF FACT;**

19 (II) **PROPOSED OR FINAL CONCLUSIONS OF LAW;**

20 (III) **PROPOSED OR FINAL FINDINGS OF FACT AND**
21 **CONCLUSIONS OF LAW; OR**

22 (IV) **PROPOSED OR FINAL ORDERS.**

23 (B) **THE COMMISSION MAY ENTER INTO CONTRACTS NECESSARY TO**
24 **CARRY OUT THIS SECTION.**

25 (C) **THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT**
26 **THIS SECTION.**

27 **Article – State Government**

1 10-203.

2 (a) This subtitle does not apply to:

3 (1) the Legislative Branch of the State government or an agency of the
4 Legislative Branch;

5 (2) the Judicial Branch of the State government or an agency of the
6 Judicial Branch;

7 (3) the following agencies of the Executive Branch of the State
8 government:

9 (i) the Governor;

10 (ii) the Department of Assessments and Taxation;

11 (iii) the Insurance Administration except as specifically provided
12 in the Insurance Article;

13 (iv) the Injured Workers' Insurance Fund;

14 (v) the Maryland Parole Commission of the Department of
15 Public Safety and Correctional Services;

16 (vi) the Public Service Commission;

17 (vii) the Maryland Tax Court;

18 (viii) the State Workers' Compensation Commission;

19 (ix) the Maryland Automobile Insurance Fund; [or]

20 (x) the Patuxent Institution Board of Review, when acting on a
21 parole request; **OR**

22 **(XI) THE STATE REAL ESTATE COMMISSION;**

23 (4) an officer or unit not part of a principal department of State
24 government that:

25 (i) is created by or pursuant to the Maryland Constitution or
26 general or local law;

27 (ii) operates in only 1 county; and

1 (iii) is subject to the control of a local government or is funded
2 wholly or partly from local funds;

3 (5) unemployment insurance claim determinations, tax
4 determinations, and appeals in the Department of Labor, Licensing, and Regulation
5 except as specifically provided in Subtitle 5A of Title 8 of the Labor and Employment
6 Article; or

7 (6) any other entity otherwise expressly exempted by statute.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2009.