

relating to the Board of Review; and generally relating to the administrative review of contested cases at the Department of Natural Resources.

BY repealing

Article – Natural Resources

Section 1–106 and 1–107

Annotated Code of Maryland

(1989 Replacement Volume)

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

**Article – Natural Resources**

[1–106.

(a) There is a Board of Review of the Department. It consists of seven members appointed by the Governor with the advice of the Secretary and with the advice and consent of the Senate. Of the seven members appointed, not less than four shall be selected from and represent the general public. The remaining members shall be persons of knowledge and experience in one or more of the fields under the jurisdiction of the Department. The term of membership is three years, except that, of the original appointees, three are to serve a three-year term, two are to serve a two-year term, and two are to serve a one-year term. A member serves until his successor is appointed and qualified. An appointment to a vacancy in an unexpired term is limited to the remainder of that term. The Governor shall fill any vacancy in an unexpired term. The Governor shall designate a chairman from among the members representing the general public. Members of the Board shall receive the compensation provided in the State budget and shall be reimbursed for expenses in accordance with the Standard Travel Regulations. The Board shall have the staff provided in the budget.

(b) The Board may make recommendations to the Secretary regarding the operation and administration of the Department as it deems necessary or desirable. If no advisory board is created for the Department as provided for in § 1–105 of this article, the Board of Review shall advise the Secretary as to all matters affecting the Department which he submits for its consideration.

(c) In addition, the Board shall hear and determine appeals from those decisions of the Secretary or any unit within the Department which are subject to judicial review under the Administrative Procedure Act or under any other provision of law. The Board also shall hear and determine appeals from actions or failures to act by any unit within the Department for which the Secretary, by rule or regulation, provides for review by the Board. The Board shall report at least annually to the Secretary. Its report shall incorporate a summary of appeals heard and determinations made. A Board member may not participate in any determination or vote in any proceeding as to which he has, directly or indirectly, a private interest.

(d) The Governor, upon the recommendation of the Secretary or of a majority of