

be advisory only, and the State agency shall alone have final and absolute authority and the nondelegable responsibility to act upon an application for a certificate of need.

(e) (1) An application for a certificate of need OR AN EXEMPTION shall be acted upon and disposed of by the State agency no later than 210 days after registration HOWEVER, THE STATE AGENCY MAY ESTABLISH A SHORTER PERIOD WITHIN WHICH APPROVAL OR DISAPPROVAL OF APPLICATIONS FOR CERTIFICATES OF NEED OR EXEMPTIONS SHALL BE MADE.

(2) IF THE STATE AGENCY FAILS TO APPROVE OR DISAPPROVE AN APPLICATION WITHIN THE REQUIRED PERIOD, THE APPLICANT MAY, BRING AN ACTION WITHIN 30 DAYS FOLLOWING THE EXPIRATION OF SUCH PERIOD, IN THE APPROPRIATE COURT TO REQUIRE THE STATE AGENCY TO APPROVE OR DISAPPROVE THE APPLICATION.

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(b) The Secretary shall review the record of proceedings before the State agency and shall render a decision in accordance with the STANDARDS IN ARTICLE 41 § 255(F) OF THE CODE IN THE Administrative Procedure Act. A decision of the Secretary which affirms, reverses, or modifies the decision of the State agency shall be considered as the final decision of the State agency. However, the Secretary may remand the matter to the State agency for reconsideration.

(e) Any person who was a party to the appeal to the Secretary and is aggrieved by his final decision may seek judicial review IN ACCORDANCE WITH SECTIONS 244 ET, SEQ. OF ARTICLE 41 OF THE CODE (ADMINISTRATIVE PROCEDURES ACT). ~~THE DECISION--OF--THE--SECRETARY--SHALL--BE--AFFIRMED--UPON--JUDICIAL REVIEW--UNLESS--IT--IS--FOUND--TO--BE--ARBITRARY,--CAPRICIOUS,--OR NOT--MADE--IN--COMPLIANCE--WITH--APPLICABLE--LAW.~~

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1980.

Approved May 20, 1980.

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CHAPTER 679

(House Bill 1898)

AN ACT concerning

Financial Institutions - Incorporation