

Defined terms: "Board" § 2-201  
 "Department" § 1-101 "Secretary" § 1-101

(B) ACTING INSTEAD OF ADVISORY BOARD.

IF AN ADVISORY BOARD FOR THE DEPARTMENT IS NOT CREATED, THE BOARD SHALL ADVISE THE SECRETARY ON ALL MATTERS AFFECTING THE DEPARTMENT THAT THE SECRETARY SUBMITS TO THE BOARD FOR ITS CONSIDERATION.

REVISOR'S NOTE: This subsection formerly appeared as the second sentence of Article 41, § 206A(b).

The only changes are in style.

As to the referenced advisory board, see § 2-104(c) of this title.

Defined terms: "Board" § 2-201  
 "Department" § 1-101 "Secretary" § 1-101

(C) APPEALS TO BE HEARD AND DETERMINED BY BOARD.

EXCEPT AS EXPRESSLY PROVIDED OTHERWISE, THE BOARD SHALL HEAR AND DETERMINE ANY APPEAL FROM:

(1) A DECISION OF THE SECRETARY OR ANY UNIT IN THE DEPARTMENT IN A CONTESTED CASE THAT IS SUBJECT TO JUDICIAL REVIEW UNDER ARTICLE 41, § 255 OF THE CODE;

(2) A DECISION OF THE SECRETARY OR ANY UNIT IN THE DEPARTMENT THAT IS SUBJECT TO JUDICIAL REVIEW UNDER ANY PROVISION OF LAW OTHER THAN ARTICLE 41, §§ 249 AND 255 OF THE CODE; AND

(3) AN ACTION OF OR INACTION BY ANY UNIT IN THE DEPARTMENT FOR WHICH THE SECRETARY, BY RULE OR REGULATION, PROVIDES FOR REVIEW BY THE BOARD.

REVISOR'S NOTE: This subsection formerly appeared as the first and third sentences of Article 41, § 206A(c)(1).

In item (1) of this subsection, the reference "in a contested case" is added for clarity. Similarly, in item (2) of this subsection, the reference "other than Article 41, §§ 249 ... of the Code" is added to clarify the former, broad reference to "any other provisions of law". These additions are based on 57 Op. Att'y Gen. 290 (1972), in which then Attorney General Burch opined that the Board has jurisdiction under the provisions of the Administrative Procedure Act, only in a contested case and not under Article 41, § 249 of the Code, which permits judicial