

(1) NOTWITHSTANDING ANY OTHER LAW, AN AGGRIEVED PARTY MAY APPEAL TO THE SECRETARY FROM ANY DECISION OF THE STATE AGENCY, INCLUDING ANY DETERMINATION OF THE STATE AGENCY IN ANY APPROPRIATENESS REVIEW THAT THE FEDERAL ACT REQUIRES.

(2) THE APPEAL SHALL BE MADE WITHIN 30 DAYS AFTER THE DECISION.

(3) THE AGGRIEVED PARTY SHALL GIVE THE SECRETARY AND STATE AGENCY WRITTEN NOTICE OF THE APPEAL.

(4) THE SECRETARY SHALL GIVE EACH PERSON WHO WAS A PARTY BEFORE THE STATE AGENCY NOTICE OF THE APPEAL.

(C) RECORD OF PROCEEDINGS.

WITHIN 30 DAYS AFTER THE STATE AGENCY RECEIVES THE NOTICE OF APPEAL, THE STATE AGENCY SHALL SUBMIT THE RECORD OF A PROCEEDING TO THE SECRETARY IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(D) ACTION BY SECRETARY.

(1) WITHIN 120 DAYS AFTER THE SECRETARY RECEIVES THE RECORD FROM THE STATE AGENCY, THE SECRETARY SHALL REVIEW THE RECORD AND MAKE A DECISION, IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(2) A DECISION OF THE SECRETARY THAT AFFIRMS, REVERSES, OR MODIFIES THE DECISION OF THE STATE AGENCY IS THE FINAL DECISION OF THE STATE AGENCY. HOWEVER, THE SECRETARY MAY REMAND THE MATTER TO THE STATE AGENCY FOR RECONSIDERATION.

(3) THE STATE AGENCY SHALL CONCLUDE THE RECONSIDERATION AND SUBMIT ITS DECISION TO THE SECRETARY WITHIN 30 DAYS AFTER THE REMAND.

(4) THE SECRETARY SHALL ACT FINALLY ON A RECONSIDERATION WITHIN 30 DAYS AFTER RESUBMISSION OF THE MATTER TO THE SECRETARY.

(E) JUDICIAL REVIEW.

A PARTY TO THE APPEAL WHO IS AGGRIEVED BY THE FINAL DECISION OF THE SECRETARY MAY TAKE A DIRECT JUDICIAL APPEAL.

REVISOR'S NOTE: This section formerly appeared as Article 41, §§ 59D(b) and 59L(a), (b), (c), and (f).

In subsection (c) of this section, the reference to the Administrative Procedure Act is substituted for the individual items of record.