

years is substituted for the former reference to a "period of up to" 2 years for clarity.

Also in subsection (c)(3) of this section, the former reference to renewing a permit "at expiration" is deleted as implicit in the reference to the possibility that a permit "may be renewed".

In subsection (c)(4) of this section, the statement that a person working under the direct supervision of the permit holder "need not obtain a separate permit" is substituted for the former reference to a permit "not preclud[ing]" a person from working under the direct supervision of the permit holder for clarity.

Defined terms: "Cave" § 5-433

"Director" § 5-401

"Person" § 1-101

"Submerged archaeological historic property" § 5-433

"Trust" § 5-401

5-444. HEARINGS.

(A) RIGHT TO HEARING.

IF THE DIRECTOR OR THE DIRECTOR'S DESIGNEE TAKES ANY ENFORCEMENT ACTION UNDER THIS SUBTITLE AGAINST A PERMIT HOLDER, THE PERMIT HOLDER SHALL BE GIVEN AN OPPORTUNITY FOR A HEARING BEFORE THE SECRETARY.

(B) APPLICATION OF CONTESTED CASE PROVISIONS.

SUBJECT TO SUBSECTION (C) OF THIS SECTION, NOTICE SHALL BE GIVEN AND THE HEARING SHALL BE HELD IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) SPECIFIC NOTICE REQUIREMENTS.

THE DIRECTOR OR THE DIRECTOR'S DESIGNEE SHALL PROVIDE NOTICE THAT A HEARING WILL BE HELD WITHIN 30 DAYS AFTER THE ENFORCEMENT ACTION, UNLESS A DIFFERENT PERIOD IS AGREED TO BY THE PARTIES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 83B, §§ 5-620(g)(2) and 5-629(b).

In subsection (b) of this section, the former qualification that a hearing shall be held "[i]f the Director's exercise of powers ... gives rise to a contested case" is deleted because the exercise of the referenced powers would always give rise to a "contested case". The Housing Article Review Committee calls this deletion to the attention of the General Assembly.

Also in subsection (b) of this section, the former reference to holding a hearing "in accordance with ... the Department's regulations" is deleted in light of SG § 10-206 to the same effect.