

"political subdivisions", since the former phrase could encompass a unit operating within 1 county if the unit operated in more than 1 subdivision in the county. This reading seemed unintended.

Defined terms: "Contested case" § 10-201
 "County" § 1-101

(C) CONTESTED CASE.

"CONTESTED CASE" MEANS A PROCEEDING BEFORE AN AGENCY TO DETERMINE:

(1) A RIGHT, DUTY, STATUTORY ENTITLEMENT, OR PRIVILEGE OF A PERSON THAT IS REQUIRED BY LAW TO BE DETERMINED ONLY AFTER AN OPPORTUNITY FOR AN AGENCY HEARING; OR

(2) THE GRANT, DENIAL, RENEWAL, REVOCATION, SUSPENSION, OR AMENDMENT OF A LICENSE THAT IS REQUIRED BY LAW TO BE DETERMINED ONLY AFTER AN OPPORTUNITY FOR AN AGENCY HEARING.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 41, §§ 244(d) and (f) and 250A(a).

In items (1) and (2) of this subsection, the phrase "to be determined only after an opportunity for an agency hearing" is substituted for the former references to "after an agency hearing" and "to be preceded by notice and an opportunity for a hearing", to conform items (1) and (2) of this subsection and, thus, to avoid the implication that, because of differences, the former language stated different elements as to whether a proceeding is a "contested case". The substituted language reflects that the right to have notice, both as to the proposed action and as to the time and place of hearing, is ensured by due process as a result of the requirement for a hearing and does not alter the character of the proceeding so as to affect whether it constitutes a "contested case".

Also in items (1) and (2) of this subsection, the former specific references to a "constitutional right" are deleted as unnecessary since the broad word "law" would encompass not only rights stated expressly in a statute or constitution, but also the rights that, by common law, have derived from a statute or constitution.

In item (1) of this subsection, the word "legal", which formerly modified the word "right", is deleted as surplusage.