

(II) PERMIT A PERSON TO REQUEST A HEARING UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE (ADMINISTRATIVE PROCEDURE ACT - CONTESTED CASES), IF THE PERSON MAKES FACTUAL ALLEGATIONS WITH SUFFICIENT PARTICULARITY TO DEMONSTRATE THAT:

1. THE PERSON IS AGGRIEVED BY THE DECISION; AND

2. THE DECISION IS:

A. LEGALLY INCONSISTENT WITH ANY PROVISION OF LAW APPLICABLE TO THE DECISION BEING CHALLENGED; OR

B. BASED UPON AN INCORRECT DETERMINATION OF A RELEVANT AND MATERIAL FACT;

(III) PROVIDE THE SECRETARY WITH DISCRETIONARY AUTHORITY TO STAY THE EFFECTIVENESS OF THE DECISION PENDING THE OUTCOME OF THE HEARING; AND

(IV) PROVIDE THAT, IF A REQUEST FOR A HEARING IS GRANTED, THE SECRETARY'S DECISION ON THE APPLICATION SHALL BE BASED ON THE RECORD MADE IN THE HEARING, INCLUDING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW RECOMMENDED TO THE SECRETARY BY THE PRESIDING OFFICER.

[(b)] (C) The Department shall periodically inspect, and the applicant shall allow such inspection, to determine if the terms of the granted permit are being met.

SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of § 10-203(a)(4) of the State Government Article, as enacted by this Act, may not be interpreted to affect the rights of any local-government employee who is subject to the State Merit System law.

SECTION 4. AND BE IT FURTHER ENACTED, That the drafter's notes and catchlines contained in this Act are not law and may not be considered to have been enacted as a part of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(1) Except as provided in subsection (2) of this section, the provisions of Section 1 of this Act shall apply to all administrative proceedings commencing on or after June 1, 1993.

(2) The provisions of the following sections of the State Government Article, as enacted by this Act, shall apply as follows:

(i) Section 10-222 shall apply to all actions for judicial review filed on or after June 1, 1993;

(ii) Section 10-223 shall apply to all appeals filed on or after June 1, 1993;

and