

[(d)] (C) [Either party] AN APPELLANT TO THE CIRCUIT COURT OR THE SECRETARY may appeal the decision of the circuit court to the Court of Special Appeals.

9-603.

(e) (1) A person aggrieved by an order may appeal to the [Board of Review of the Department] CIRCUIT COURT OF THE COUNTY IN WHICH THE LAND IS LOCATED.

(2) THE COURT SHALL REVIEW THE ADMINISTRATIVE RECORD OF THE DEPARTMENT'S ORDER.

(3) THE COURT SHALL DECLARE THE DEPARTMENT'S ORDER INVALID IF THE COURT FINDS THAT THE ORDER:

(I) IS UNCONSTITUTIONAL;

(II) EXCEEDS THE STATUTORY AUTHORITY OR JURISDICTION OF THE DEPARTMENT;

(III) RESULTS FROM AN UNLAWFUL PROCEDURE;

(IV) IS AFFECTED BY ANY OTHER ERROR OF LAW;

(V) IS UNSUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL EVIDENCE IN LIGHT OF THE ENTIRE RECORD AS SUBMITTED; OR

(VI) IS ARBITRARY OR CAPRICIOUS.

10-301.1.

(e) (2) Any applicant who is refused a certificate of competency under this section may appeal the decision or action of the issuing [authority to the Department's Board of Review] UNIT TO THE SECRETARY.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 3-103(j) and (k) and 3-712(b), (c), and (d), respectively, of Article - Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 3-103(i) and (j) and 3-712(a), (b), and (c), respectively.

SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 8-101(e), (f), (g), (h), (i), (j), and (k), respectively, of Article - Natural Resources of the Annotated Code of Maryland be renumbered to be Section(s) 8-101(d), (e), (f), (g), (h), (i), and (j), respectively.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.

Approved April 9, 1991.