

Office of Administrative Hearings. Subject to the provisions of §-9-1605 subsection (b) of this section and §§ 9-1604 and 9-1605 of the State Government Article, such-transfer-shall-occur-the incumbent of a transferred hearing officer position shall be appointed as an administrative law judge without loss of any rights or benefits and the service of the person shall be deemed to have been continuous. Pursuant to Section 7-209(e)(2)(iv) of the State Finance and Procurement Article, the Governor is authorized to transfer appropriations from affected agencies to the Office of Administrative Hearings.

(b) If the Chief Administrative Law Judge should determine that the incumbent of a hearing officer position transferred under subsection (a) of this section fails to meet the qualifications established under § 9-1604(a)(2) of the State Government Article, the Chief Administrative Law Judge may decline to appoint the hearing officer as an Administrative Law Judge. Such persons who fail to qualify may be retrained by their agency in another capacity pursuant to Article 64A, § 35 of the Code.

(b) (c) That after January 1, 1990, no agency subject to § 9-1601(b) of the State Government Article shall appoint or authorize a person not employed by the Office of Administrative Hearing to conduct a contested case hearing without prior written approval of the Chief Hearing-Officer Administrative Law Judge. This subtitle shall not, however, prevent a board, commission, or agency head authorized to conduct a contested case hearing from doing so without the use of a hearing officer or administrative law judge.

SECTION 3. AND BE IT FURTHER ENACTED, That any reference in any law, regulation, or order to a hearing examiner or officer appointed or transferred under this subtitle shall be deemed a reference to an administrative law judge.

SECTION 4. AND BE IT FURTHER ENACTED, That by January 1, 1992, the State Advisory Council on Administrative Hearings shall conduct a study of agencies which employ hearing officers to adjudicate contested cases and shall recommend to the Governor those agencies for which an exemption under § 9-1601(c) of the State Government Article would be consistent with the purposes of this subtitle.

SECTION -4- 5. AND BE IT FURTHER ENACTED, That the Department of Personnel shall conduct a study of the salary and classification of each position assigned to conduct administrative hearings in order to eliminate pay discrepancies, noncompetitive pay rates, and other salary or classification problems, ~~and shall implement the study~~ by January 1, 1990.