

CONCLUSIONS OF LAW.

(2) THE ADMINISTRATION MAY DELEGATE TO THE OFFICE OF ADMINISTRATIVE HEARINGS THE POWER AND AUTHORITY UNDER THE MARYLAND VEHICLE LAW TO RENDER FINAL DECISIONS IN HEARINGS CONDUCTED UNDER §§ 13-705.1, 21-1005, AND 22-218, AND TITLE 16, SUBTITLES 1 THROUGH 4 OF THIS ARTICLE.

**Chapter 788 of the Acts of 1989**

## SECTION 2. AND BE IT FURTHER ENACTED,

(a) That by January 1, 1990, an agency subject to § 9-1601(b) of the State Government Article that employs one or more hearing officers to adjudicate contested cases shall transfer the hearing officer positions to the Office of Administrative Hearings. Subject to the provisions of subsection (b) of this section and §§ 9-1604 and 9-1605 of the State Government Article, 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] RETAINED by their agency in another capacity pursuant to Article 64A, § 35 of the Code.

(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] HEARINGS to conduct a contested case hearing without prior written approval of the Chief Administrative Law Judge. [This subtitle] SUBTITLE 16 OF THE STATE GOVERNMENT ARTICLE 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.

(D) THAT, UNLESS OTHERWISE PROVIDED BY ANY LAW, AN ADMINISTRATIVE LAW JUDGE CONDUCTING A CONTESTED HEARING OF AN AGENCY ON OR AFTER JANUARY 1, 1990, SHALL HAVE THE SAME AUTHORITY TO ISSUE FINAL OR PROPOSED DECISIONS THAT A HEARING OFFICER EMPLOYED OR ENGAGED BY THAT AGENCY HAD PRIOR TO JANUARY 1, 1990.

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] SUBTITLE 16 OF THE STATE GOVERNMENT ARTICLE shall be deemed a reference to an administrative law judge OF THE OFFICE OF ADMINISTRATIVE