

~~subsection, at~~ AT the request of the Department of Education the moneys owed shall be deducted from any other State funds that would otherwise be paid to the school system. SYSTEM IF:

(I) A LOCAL SCHOOL SYSTEM DOES NOT APPEAL TO THE SECRETARY OF BUDGET AND MANAGEMENT OR TO THE OFFICE OF ADMINISTRATIVE HEARINGS; OR

(II) THE OFFICE OF ADMINISTRATIVE HEARINGS DETERMINES THAT THE STATE IS DUE REIMBURSEMENT FOR EXCESS PAYMENTS AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION.

[(3) For purposes of the Administrative Procedure Act, an appeal taken under this section is not a contested case.]

(3) (I) THE LOCAL SCHOOL SYSTEM MAY APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS A DETERMINATION BY THE SECRETARY OF THE DEPARTMENT OF BUDGET AND MANAGEMENT REGARDING THE AMOUNT, IF ANY, OF THE STATE OVERPAYMENT.

(II) WITHIN 45 DAYS AFTER THE CLOSE OF THE HEARING RECORD, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ISSUE A WRITTEN DECISION TO THE PARTIES AND MAY GRANT ANY APPROPRIATE REMEDY.

(III) THE WRITTEN DECISION ISSUED BY THE OFFICE OF ADMINISTRATIVE HEARINGS IS THE FINAL FINDING OF FACT AND CONCLUSION OF LAW AND BINDING ON ALL PARTIES AND IS NOT SUBJECT TO JUDICIAL REVIEW.

SECTION 2. AND BE IT FURTHER ENACTED, That any pending appeal by a local school system to the Secretary of Budget and Management involving the appeal of alleged overpayments of social security or retirement contributions in which a decision has not been rendered by a hearing examiner before the effective date of this Act is to be referred to the Office of Administrative Hearings for adjudication in accordance with Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That all laws or parts of laws, public general or public local, inconsistent with this Act, are repealed to the extent of the inconsistency.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 1998.

Approved May 12, 1998.