

44.

(A) FOR ANY DEBT NOT EXCEPTED BY LAW FROM THE UNIT'S RESPONSIBILITIES UNDER ARTICLE 41, § 71(C-1) OR OTHERWISE, THE UNIT MAY CERTIFY TO THE COMPTROLLER THE EXISTENCE OF ANY DEBT WHICH HAS BEEN REFERRED TO IT FOR COLLECTION BY A STATE AGENCY PURSUANT TO SUBSECTION (B) AND REQUEST THE COMPTROLLER TO WITHHOLD ANY REFUND TO WHICH A PERSON IS ENTITLED BY THE SUM CERTIFIED. HOWEVER, A DEBT MAY NOT BE WITHHELD IF THE STATE AGENCY OR THE UNIT HAS BEEN ADVISED BY THE ATTORNEY GENERAL THAT THE VALIDITY OF THE DEBT IS LEGITIMATELY IN DISPUTE OR AN ALTERNATE MEANS OF COLLECTION IS PENDING AND BELIEVED TO BE ADEQUATE.

(B) (1) THE DEPARTMENT OF BUDGET AND FISCAL PLANNING SHALL, BY RULE OR REGULATION, ESTABLISH THOSE CLASSES OR CATEGORIES OF DEBTS, INCLUDING ANY MINIMUM DEBT AMOUNT, WHICH MAY BE REFERRED TO THE UNIT FOR WITHHOLDING.

(2) IF MORE THAN ONE STATE AGENCY IS OWED MONEY BY THE SAME PERSON THEN ANY AMOUNT WITHHELD FROM A REFUND SHALL BE APPLIED IN THE ORDER OF REFERRAL OF THE DEBT BY THE STATE AGENCIES.

(C) THE WITHHOLDING OF A REFUND AUTHORIZED BY THIS SUBTITLE DOES NOT PRECLUDE USE OF ANY OTHER REMEDY PROVIDED BY LAW FOR THE COLLECTION OF DEBTS OWED TO THE STATE OF MARYLAND AND THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO EFFECTUATE ITS PURPOSES. HOWEVER, THIS SUBTITLE SHALL BE INTERPRETED IN A MANNER WHICH DOES NOT DEPRIVE A PERSON OF ANY RIGHTS OR DEFENSES THAT WOULD BE AVAILABLE TO THAT PERSON IN DEFENDING AGAINST A CLAIM OF SETOFF INCIDENT TO A JUDICIAL PROCEEDING.

45.

(A) AT LEAST 30 CALENDAR DAYS PRIOR TO CERTIFICATION OF A DEBT TO THE COMPTROLLER, THE UNIT SHALL NOTIFY THE PERSON IN WRITING THAT IT INTENDS TO REQUEST THE COMPTROLLER TO WITHHOLD ANY REFUND DUE THE PERSON. THE NOTICE SHALL ADVISE THE PERSON OF:

- (1) THE AMOUNT DUE AND OWING;
- (2) THE BASIS OF THE DEBT;
- (3) THE OPPORTUNITY TO REQUEST AN INVESTIGATION OF THE DEBT;
- (4) THE OPPORTUNITY TO CONTEST ANY ADVERSE DETERMINATION AFTER AN INVESTIGATION IN A HEARING BEFORE THE UNIT; AND
- (5) THE RIGHT TO A JUDICIAL APPEAL OF A FINAL ACTION BY THE UNIT.