

The second sentence of former Art. 64A, § 43, which provided that the "Secretary shall be represented in such suits and in all legal matters by the Attorney General", is deleted as unnecessary in light of § 2-110 of this article. See also Md. Const., Art. V, § 3, and SG § 6-106, which impose on the Attorney General responsibility for "legal work" of the State government.

Defined terms: "Department" § 1-101
"Secretary" § 1-101

14-102. ACTIONS INVOLVING ILLEGAL PAYMENTS.

(A) ACTION AUTHORIZED.

A RESIDENT OF THIS STATE MAY BRING AN ACTION IN A COURT OF COMPETENT JURISDICTION:

(1) TO RECOVER, FOR THE USE OF THIS STATE, A PAYMENT MADE IN VIOLATION OF THIS DIVISION I OR OF A REGULATION ADOPTED UNDER IT FROM THE PERSON WHO AUTHORIZED OR MADE THE PAYMENT;

(2) TO ENJOIN A PERSON, THIS STATE, OR A UNIT OF THIS STATE FROM AUTHORIZING A PAYMENT IN VIOLATION OF THIS DIVISION I OR OF A REGULATION ADOPTED UNDER IT; OR

(3) IF A PAYROLL AUTHORIZATION IS PROVIDED FOR BY LAW OR REGULATION, TO ENJOIN THE SECRETARY FROM ISSUING A PAYROLL AUTHORIZATION IN VIOLATION OF THIS DIVISION I OR OF A REGULATION ADOPTED UNDER IT.

(B) SATISFACTION OF ORDER OR JUDGMENT.

IN AN ACTION BROUGHT UNDER THIS SECTION, A JUDGMENT OR OTHER ORDER MAY NOT BE RECORDED AS "RELEASED" OR "SATISFIED" UNLESS THE ATTORNEY GENERAL FILES WITH THE COURT A NOTICE OF RELEASE OR SATISFACTION.

REVISOR'S NOTE: This section is new language derived without substantive change from the third and fourth sentences of former Art. 64A, § 43.

In the introductory clause of subsection (a) of this section, the term "resident of this State" is substituted for the former reference to a "citizen of the State" for clarity. The term "citizen of the State" lacks a precise legal meaning and is usually read to refer to residency. See Crosse v. Board of Supervisors of Elections of Baltimore City, 243 Md. 555 (1966). The State Personnel Article Review Committee calls this substitution to the attention of the General Assembly.

In subsection (a)(2) of this section, the phrase "this State, or a unit of this State" is added for clarity because the defined term "person" does not include the State and its units.