

## Article 73B - Pensions

39.

(e) (1) Delinquent payments due under paragraphs (1) and (3) of subsection (d) may, with interest at the rate of six per centum per annum be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor, or may at the request of the State Agency, be deducted from any other moneys payable to such subdivision by any department or agency of the State.

(2) (1) IF AN AUDIT OF THE RECORDS OF A SCHOOL SYSTEM, PUBLIC LIBRARY, OR EDUCATIONAL INSTITUTION REVEALS THAT THE SYSTEM, LIBRARY, OR INSTITUTION OWES MONEY TO THE CONTRIBUTION FUND, ANY DELINQUENT PAYMENT MAY NOT BE COLLECTED UNTIL:

1. THE SCHOOL SYSTEM, PUBLIC LIBRARY, OR EDUCATIONAL INSTITUTION HAS AN OPPORTUNITY TO APPEAL THE DECISION TO THE COMPTROLLER OF THE TREASURY, AND

2. THE COMPTROLLER OF THE TREASURY FINDS THAT THE FUNDS ARE OWED TO THE CONTRIBUTION FUND.

(ii) AN APPEAL TAKEN PURSUANT TO THIS SUBSECTION IS NOT A CONTESTED CASE, FOR THE PURPOSES OF THE ADMINISTRATIVE PROCEDURE ACT A HEARING EXAMINER WHO SHALL BE APPOINTED BY THE SECRETARY OF THE DEPARTMENT OF BUDGET AND FISCAL PLANNING; AND

2 THE HEARING EXAMINER FINDS THAT THE FUNDS ARE OWED TO THE CONTRIBUTION FUND.

(II) IF THE HEARING EXAMINER DETERMINES THAT MONEYS ARE OWED TO THE CONTRIBUTION FUND, THE MONEYS SHALL BE DEDUCTED FROM ANY STATE FUNDS THAT WOULD OTHERWISE BE PAID TO THE SCHOOL SYSTEM OR EDUCATIONAL INSTITUTION.

(III) AN APPEAL TAKEN PURSUANT TO THIS PARAGRAPH IS NOT A CONTESTED CASE, FOR THE PURPOSES OF THE ADMINISTRATIVE PROCEDURE ACT.

89.

(2) (K) WHENEVER AN AUDIT OF THE RECORDS OF A SCHOOL SYSTEM, PUBLIC LIBRARY, OR EDUCATIONAL INSTITUTION REVEALS THAT THE SYSTEM, LIBRARY, OR INSTITUTION OWES MONEY TO THE ACCUMULATION FUND OF THE TEACHERS' RETIREMENT SYSTEM, ANY DELINQUENT PAYMENT MAY BE COLLECTED BY THE DIVISION OF SOCIAL SECURITY IN THE MANNER SET FORTH IN SECTION 39(E)(2) OF THIS ARTICLE FOR RECOVERY OF DELINQUENT SOCIAL SECURITY PAYMENTS.