

SENATE BILL 926

P3

4lr3291
CF 4lr3356

By: **Senators Mautz and Hershey**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Permits, Licenses, and Certificates – Reimbursement**

3 FOR the purpose of requiring the Attorney General to give notice to certain State entities
4 and the public when a court orders that the State may not require a person to possess
5 a specified permit, license, or certificate; requiring certain State entities to reimburse
6 certain costs related to certain permits, licenses, and certificates; and generally
7 relating to reimbursement for permits, licenses, and certificates.

8 BY repealing and reenacting, with amendments,

9 Article – State Government

10 Section 6–106

11 Annotated Code of Maryland

12 (2021 Replacement Volume and 2023 Supplement)

13 BY adding to

14 Article – State Government

15 Section 8–506

16 Annotated Code of Maryland

17 (2021 Replacement Volume and 2023 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – State Government**

21 6–106.

22 (a) Except as otherwise provided in this section, the Attorney General has general
23 charge of the legal business of the State.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Unless a law expressly provides for a general counsel as the legal adviser and
2 representative of the officer or unit, the Attorney General is the legal adviser of and shall
3 represent and otherwise perform all of the legal work for each officer and unit of the State
4 government.

5 (c) Notwithstanding any other section of law, an officer or unit of the State
6 government may not employ or be represented by a legal adviser or counsel other than the
7 Attorney General or a designee of the Attorney General, except that:

8 (1) (i) an officer or unit of the State government may employ or be
9 represented by a legal adviser or counsel other than the Attorney General or the Attorney
10 General's designee with prior approval of the Attorney General; and

11 (ii) the approval may be provided under § 6–105(b) or (c) of this
12 subtitle, § 13–107 of the State Finance and Procurement Article, or other authority
13 specified by the Attorney General;

14 (2) a State institution may employ counsel to represent the institution in a
15 habeas corpus proceeding;

16 (3) a unit of the State government may employ counsel if:

17 (i) an investigation by an investigating committee of the General
18 Assembly affects the unit;

19 (ii) the Attorney General represents both the investigating
20 committee and the unit;

21 (iii) the Attorney General gives the Board of Public Works and the
22 unit written notice that representation by the Attorney General involves or reasonably may
23 involve a conflict of interest; and

24 (iv) the Board of Public Works approves the employment of counsel
25 by the unit;

26 (4) the Office of the Public Defender may employ or be represented by a
27 legal adviser or counsel other than the Attorney General or the Attorney General's
28 designee; and

29 (5) unless otherwise agreed to by the Attorney General and the County
30 Attorney for Montgomery County, the County Attorney for Montgomery County may
31 represent the Montgomery County Department of Health and Human Services in a
32 contested case under Title 10, Subtitle 2 of this article.

33 (D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
34 MEANINGS INDICATED.

1 (II) "DEPARTMENT" MEANS A PRINCIPAL DEPARTMENT
2 ESTABLISHED UNDER § 8-201 OF THIS ARTICLE.

3 (III) "INDEPENDENT UNIT" MEANS A UNIT IN THE EXECUTIVE
4 BRANCH OF STATE GOVERNMENT THAT IS NOT A DEPARTMENT.

5 (IV) "UNCONSTITUTIONAL LICENSE REQUIREMENT" MEANS
6 THAT A COURT OF COMPETENT JURISDICTION HAS ISSUED A FINAL ORDER NOT
7 SUBJECT TO APPEAL OR OTHER JUDICIAL REVIEW THAT THE STATE MAY NOT
8 REQUIRE A PERSON TO POSSESS A SPECIFIED PERMIT, LICENSE, OR CERTIFICATE.

9 (2) WITHIN 5 DAYS AFTER A COURT ISSUES A FINAL ORDER ON AN
10 UNCONSTITUTIONAL LICENSE REQUIREMENT, THE ATTORNEY GENERAL SHALL:

11 (I) NOTIFY THE DEPARTMENT OR INDEPENDENT UNIT THAT IS
12 RESPONSIBLE FOR ISSUING THE PERMIT, LICENSE, OR CERTIFICATE IN WRITING
13 THAT THE FINAL ORDER HAS BEEN ISSUED; AND

14 (II) POST A NOTICE ON THE ATTORNEY GENERAL'S WEBSITE.

15 (3) IF THE ATTORNEY GENERAL DOES NOT PROVIDE THE NOTICE
16 REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO WOULD BE
17 ENTITLED TO REQUEST A REIMBURSEMENT UNDER § 8-506 OF THIS ARTICLE MAY
18 FILE A COMPLAINT AGAINST THE ATTORNEY GENERAL IN CIRCUIT COURT.

19 8-506.

20 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (2) "DEPARTMENT" HAS THE MEANING STATED IN § 6-106(D) OF THIS
23 ARTICLE.

24 (3) "INDEPENDENT UNIT" HAS THE MEANING STATED IN § 6-106(D)
25 OF THIS ARTICLE.

26 (B) A DEPARTMENT OR AN INDEPENDENT UNIT THAT HAS RECEIVED A
27 NOTICE FROM THE ATTORNEY GENERAL UNDER § 6-106(D) OF THIS ARTICLE
28 SHALL, ON REQUEST, REIMBURSE A PERSON TO WHOM THE DEPARTMENT OR
29 INDEPENDENT UNIT HAS ISSUED THE PERMIT, LICENSE, OR CERTIFICATE THAT IS
30 THE SUBJECT OF THE NOTICE ANY MONEY PAID BY THE PERSON FOR:

31 (1) ISSUANCE OF THE PERMIT, LICENSE, OR CERTIFICATE; AND

1 **(2) RENEWAL OF THE PERMIT, LICENSE, OR CERTIFICATE.**

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2024.