

AN ACT concerning

Legal Counsel - Agencies Under Investigation

FOR the purpose of authorizing an agency under investigation by a legislative investigating committee to retain separate counsel upon being advised by the Attorney General of a conflict of interest in his representing the agency; and making the retaining of separate counsel subject to approval by the Board of Public Works.

BY repealing and reenacting, with amendments,

Article 32A - Department of Law

Section 5

Annotated Code of Maryland

(1976 Replacement Volume and 1976 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 5 of Article 32A - Department of Law, of the Annotated Code of Maryland (1976 Replacement Volume and 1976 Supplement) be and it is hereby repealed and reenacted, with amendments, to read as follows:

Article 32A - Department of Law

5.

(A) It is unlawful for any board, commission, department, officer or institution of the State government to retain or employ or to continue the employment of any counsel or legal adviser whatever, in connection with the performance of their, its or his duties, or to be represented, in the performance of any of the duties imposed upon them, it or him, by any counsel or legal adviser whatever, other than the Attorney General, his deputies or assistants, or a special attorney or counsel appointed by the Attorney General.

(B) IF AN INVESTIGATING COMMITTEE OF THE GENERAL ASSEMBLY IS REPRESENTED BY THE ATTORNEY GENERAL AND IF, IN THE OPINION OF THE ATTORNEY GENERAL, REPRESENTATION OF AN INVESTIGATING COMMITTEE OF THE GENERAL ASSEMBLY AND AN AGENCY UNDER INVESTIGATION BY THAT COMMITTEE OR AFFECTED THEREBY, INVOLVES OR REASONABLY MAY INVOLVE A CONFLICT OF INTEREST, THE ATTORNEY GENERAL SHALL SO ADVISE IN WRITING THE AGENCY IN QUESTION AND THE STATE BOARD OF PUBLIC WORKS. THE AGENCY, UPON RECEIPT OF THE NOTICE, MAY RETAIN SEPARATE COUNSEL, SUBJECT TO APPROVAL BY THE STATE BOARD OF PUBLIC WORKS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1977.