

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

2-106. LICENSING TESTING FUND.

(A) ESTABLISHED.

THERE IS A LICENSING TESTING FUND FOR THE DEPARTMENT.

(B) COMPOSITION.

THE SECRETARY SHALL ENSURE THAT EACH UNIT IN THE DEPARTMENT THAT COLLECTS FEES FOR A LICENSING EXAMINATION GIVEN BY A NATIONAL TESTING ASSOCIATION PAYS ALL OF THE FEES INTO THE LICENSING TESTING FUND.

(C) USE.

(1) THE LICENSING TESTING FUND SHALL BE USED TO PAY THE MONEY THAT THE DEPARTMENT OWES TO A NATIONAL TESTING ASSOCIATION.

(2) AT THE END OF EACH FISCAL YEAR, ANY MONEY IN THE LICENSING TESTING FUND THAT IS NOT NEEDED UNDER PARAGRAPH (1) OF THIS SUBSECTION REVERTS TO THE GENERAL FUND OF THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 8-104(g).

In subsection (a) of this section, the phrase "for the Department" is substituted for the former phrases "within the Department ... as a special checking account" to avoid the erroneous suggestion that the Licensing Testing Fund is a unit in the Department, comparable to, e.g., the Maryland Jockey Injury Compensation Fund, Inc. In fact, the Licensing Testing Fund is a part of the State Treasury, credited by the Comptroller to an account for use as required under subsection (c) of this section. Accordingly, in subsection (b) of this section, the duty to "ensure that each unit ... that collects fees" pays them into the Licensing Testing Fund is substituted for the former duty for the Secretary to collect the fees to conform to SF § 6-213.

Defined terms: "Department" § 1-101  
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2-107. COUNSEL TO DEPARTMENT.

(A) SCOPE OF SECTION.

THIS SECTION DOES NOT APPLY TO A UNIT IN THE DEPARTMENT TO THE EXTENT THAT THE UNIT IS AUTHORIZED BY LAW TO EMPLOY ITS OWN LEGAL ADVISER OR COUNSEL.

(B) ATTORNEY GENERAL AS LEGAL ADVISER.