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**By: Senator Madden**

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Political Subdivisions - Airport Zoning Appeals**

3 FOR the purpose of providing immunity for certain political subdivisions and certain  
4 persons under certain circumstances; requiring the State to indemnify certain  
5 political subdivisions and certain persons under certain circumstances; requiring the  
6 Attorney General to advise and, on request, represent a political subdivision or its  
7 officers, employees, or agents in certain actions and appeals relating to a decision of  
8 the Board of Airport Zoning Appeals.

9 BY adding to

10 Article - Courts and Judicial Proceedings  
11 Section 5-332.1  
12 Annotated Code of Maryland  
13 (1995 Replacement Volume and 1996 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article - State Government  
16 Section 6-107  
17 Annotated Code of Maryland  
18 (1995 Replacement Volume and 1996 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Courts and Judicial Proceedings**

22 5-332.1.

23 IF THE FAILURE OF A POLITICAL SUBDIVISION TO ISSUE A PERMIT IS CAUSED  
24 PREDOMINANTLY BY A DECISION OF THE BOARD OF AIRPORT ZONING APPEALS  
25 NOT TO APPROVE THE PERMIT OR GRANT A VARIANCE FOR THE PERMIT UNDER §§  
26 5-821 AND 5-822 OF THE TRANSPORTATION ARTICLE:

27 (1) THE POLITICAL SUBDIVISION, AND AN OFFICER, EMPLOYEE, OR  
28 AGENT OF A POLITICAL SUBDIVISION, MAY NOT BE LIABLE FOR FAILING TO ISSUE  
29 THE PERMIT; AND

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1 (2) THE STATE SHALL INDEMNIFY THE POLITICAL SUBDIVISION, AND  
2 AN OFFICER, EMPLOYEE, OR AGENT OF A POLITICAL SUBDIVISION, THAT IS SUED  
3 FOR FAILING TO ISSUE THE PERMIT.

4 **Article - State Government**

5 6-107.

6 (a) The Attorney General is the legal adviser of and shall represent and otherwise  
7 perform all of the legal work for:

8 (1) the Board of Supervisors of Elections of Baltimore City;

9 (2) the Board of Liquor Commissioners of Baltimore City; and

10 (3) the Sheriff of Baltimore City.

11 (b) (1) The Attorney General may advise or represent a political subdivision of  
12 the State or any of its officers, employees, or agents as to a matter that relates to State or  
13 federal antitrust law.

14 (2) Representation under this subsection may include an appearance in an  
15 action or administrative proceeding to defend the subdivision, officer, employee, or agent.

16 (3) The Attorney General may require a political subdivision to pay into the  
17 General Fund of the State reimbursement for the costs of defending the subdivision in an  
18 action or proceeding.

19 (4) This subsection does not deprive any political subdivision, officer,  
20 employee, or agent of any right to retain counsel, at the expense of the subdivision,  
21 officer, employee, or agent.

22 (C) THE ATTORNEY GENERAL SHALL ADVISE AND, ON REQUEST OF THE  
23 POLITICAL SUBDIVISION, REPRESENT A POLITICAL SUBDIVISION OR ANY OF ITS  
24 OFFICERS, EMPLOYEES, OR AGENTS IN AN ACTION OR APPEAL THAT RELATES TO A  
25 DECISION OF THE BOARD OF AIRPORT ZONING APPEALS UNDER §§ 5-821 AND 5-822  
26 OF THE TRANSPORTATION ARTICLE.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 1997.