

BRIAN E. FROSH
ATTORNEY GENERAL



SANDRA BENSON BRANTLEY
COUNSEL TO THE GENERAL ASSEMBLY

ELIZABETH F. HARRIS
CHIEF DEPUTY ATTORNEY GENERAL

CAROLYN A. QUATTROCKI
DEPUTY ATTORNEY GENERAL

KATHRYN M. ROWE
DEPUTY COUNSEL

JEREMY M. MCCOY
ASSISTANT ATTORNEY GENERAL

DAVID W. STAMPER
ASSISTANT ATTORNEY GENERAL

THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

April 24, 2017

The Honorable Lawrence J. Hogan, Jr.
Governor of Maryland
State House
100 State Circle
Annapolis, Maryland 21401

RE: *Senate Bill 924, "Commissioner of Financial Regulation and State Collection Agency Licensing Board - Surety Bond Requirements for Licensees and Registrants"*

Dear Governor Hogan:

We have reviewed and hereby approve Senate Bill 924, "Commissioner of Financial Regulation and State Collection Agency Licensing Board - Surety Bond Requirements for Licensees and Registrants," for constitutionality and legal sufficiency. We write to discuss the effect of signing this bill after House Bill 182, "Commissioner of Financial Regulation Licensing Board - Licensees Revisions," which was signed into law as Chapter 253.

Both Senate Bill 924 and Chapter 253 amend Business Regulations Article, § 7-304(a). The changes made by Chapter 253 are limited to renumbering to reflect the repeal of subsection (b) by that bill. Senate Bill 924 makes substantive changes to subsection (a), but does not repeal subsection (b). It is my view that all of these changes can be given effect, by making the substantive changes in (a), renumbering in the manner suggested by Chapter 253, and repealing (b).

Both Senate Bill 924 and Chapter 253 also amend Financial Institutions Article, § 11-206. Senate Bill 924 does not make changes in subsection (a) of this section at all, with the result that the changes from Chapter 253 would stay in place if Senate Bill 924 is signed.

Chapter 253 amends subsection (b) of § 11-206 in a manner that makes the initial license fee \$850 regardless of when it was paid. Senate Bill 924 would retain the current system under which the initial license fee is \$1,700 if the fee is paid in an even-numbered year and \$850 in an odd-numbered year. Chapter 253, however, also amends Financial Institutions Article, § 11-209 to shorten the license term to one year and provide that the fee for renewal is \$850. Senate Bill 924, on the other hand, does not affect § 11-209, and does not actually make any change in either

The Honorable Lawrence J. Hogan, Jr.
April 24, 2017
Page 2

the current fees or the term of the license. As a result, it is my view that effect should be given to the clear intent of the legislature, which is that the fee be \$850 in all cases.

Additionally, Chapter 253 makes a minor stylistic change in subsection (c) of § 11-206, while Senate Bill 924 makes stylistic and substantive changes. In this case, the changes made by Senate Bill 924 would prevail. Finally, only Senate Bill 924 affects subsection (d) of § 11-206, with the result that those provisions would clearly take effect.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian E. Frosh". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Brian E. Frosh
Attorney General

BEF/KMR/kd

cc: The Honorable John C. Wobensmith
Chris Shank
Warren Deschenaux