

# HOUSE BILL 1158

P1

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By: **Delegates Kerr and Bagnall**

Introduced and read first time: February 7, 2024

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Attorney General – Reports**

3 FOR the purpose of altering certain reporting requirements for the Attorney General;  
4 requiring the Attorney General to publish certain documents on the Attorney  
5 General’s website; and generally relating to reports by the Attorney General.

6 BY repealing and reenacting, with amendments,  
7 Article – State Government  
8 Section 6–106.1 and 6–108  
9 Annotated Code of Maryland  
10 (2021 Replacement Volume and 2023 Supplement)

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

13 **Article – State Government**

14 6–106.1.

15 (a) The General Assembly finds that:

16 (1) the federal government’s action or failure to take action may pose a  
17 threat to the health and welfare of the residents of the State; and

18 (2) the State should investigate and obtain relief from any arbitrary,  
19 unlawful, or unconstitutional federal action or inaction and prevent such action or inaction  
20 from harming the residents of the State.

21 (b) (1) In addition to any other powers and duties and subject to the  
22 requirements of this subsection, the Attorney General may investigate, commence, and  
23 prosecute or defend any civil or criminal suit or action that is based on the federal

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 government's action or inaction that threatens the public interest and welfare of the  
2 residents of the State with respect to:

3 (i) protecting the health of the residents of the State and ensuring  
4 the availability of affordable health care;

5 (ii) safeguarding public safety and security;

6 (iii) protecting civil liberties;

7 (iv) preserving and enhancing the economic security of workers and  
8 retirees;

9 (v) protecting financial security of the residents of the State,  
10 including their pensions, savings, and investments, and ensuring fairness in mortgages,  
11 student loans, and the marketplace;

12 (vi) protecting the residents of the State against fraud and other  
13 deceptive and predatory practices;

14 (vii) protecting the natural resources and environment of the State;

15 (viii) protecting the residents of the State against illegal and  
16 unconstitutional federal immigration and travel restrictions; or

17 (ix) otherwise protecting, as *parens patriae*, the State's interest in  
18 the general health and well-being of its residents.

19 (2) Except as provided in paragraph (4) of this subsection, before  
20 commencing a suit or an action under paragraph (1) of this subsection, the Attorney  
21 General shall provide to the Governor:

22 (i) written notice of the intended suit or action; and

23 (ii) an opportunity to review and comment on the intended suit or  
24 action.

25 (3) If the Governor objects to the intended suit or action for which notice  
26 was provided under this subsection:

27 (i) the Governor shall provide in writing to the Attorney General the  
28 reasons for the objection within 10 days after receiving the notice; and

29 (ii) except as provided in paragraph (4) of this subsection, the  
30 Attorney General shall consider the Governor's objection before commencing the suit or  
31 action.

1           (4) If the Attorney General determines that emergency circumstances  
2 require the immediate commencement of a suit or an action under paragraph (1) of this  
3 subsection, the Attorney General shall provide to the Governor notice of the suit or action  
4 as soon as reasonably practicable.

5           (c) The Governor's proposed budget for fiscal year 2019, and for each fiscal year  
6 thereafter, shall appropriate at least \$1,000,000 to the Attorney General to be used only  
7 for:

8           (1) carrying out this section; and

9           (2) employing five attorneys in the Office of the Attorney General.

10          [(d) On or before December 1 each year, the Attorney General shall report to the  
11 Governor and, in accordance with § 2–1257 of this article, the Legislative Policy Committee  
12 on any action taken under this section.]

13 6–108.

14          (a) The Attorney General or any Deputy Attorney General or assistant Attorney  
15 General whom the Attorney General designates may:

16           (1) become a member of an organization of attorneys general of other states  
17 or their deputies or assistants and, as provided in the State budget, contribute to the  
18 expenses of the organization; and

19           (2) use the services of the Council of State Governments and, as provided  
20 in the State budget, contribute to the cost of the services.

21          (b) (1) On January 1 of each year, the Attorney General shall submit an  
22 annual report to the Governor **AND, IN ACCORDANCE WITH § 2–1257 OF THIS ARTICLE,**  
23 **THE GENERAL ASSEMBLY.**

24           (2) The annual report shall:

25           (i) describe the business and proceedings of the Office during the  
26 preceding calendar year; **AND**

27           (ii) [include an itemized statement of the receipts and  
28 disbursements of the Attorney General during the preceding fiscal year; and

29           (iii)] include any recommendations that the Attorney General  
30 considers appropriate.

31          (c) The Attorney General shall keep the following records until they are disposed  
32 of in accordance with § 10–616 of this article:

1 (1) a copy of the pleadings in each suit, action, or other proceeding of which  
2 the Office has charge;

3 (2) a complete and current docket of those proceedings;

4 (3) a copy of each written opinion that the Office issues; and

5 (4) an abstract of each title that the Office examines or has examined.

6 (d) The Attorney General annually shall [have published, in bound volume]  
7 **PUBLISH ON THE WEBSITE OF THE ATTORNEY GENERAL:**

8 (1) the opinions that the Office issued during the preceding calendar year;  
9 and

10 (2) the annual report for that preceding calendar year.

11 (e) (1) The papers of the Office shall be filed in its offices until disposed of in  
12 accordance with § 10–616 of this article.

13 (2) The papers and books of the Office shall be indexed so that they are  
14 readily accessible.

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