

# HOUSE BILL 1572

P1

8lr2694

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By: **Delegate McDonough**

Introduced and read first time: February 9, 2018

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Attorney General – Federal Government Lawsuits – Itemized Budget System**

3 FOR the purpose of requiring the Attorney General to create and maintain a certain budget  
4 system for the accounting and use of certain funds in furtherance of certain lawsuits;  
5 specifying that a certain budget system shall be made available to the public under  
6 certain circumstances; and generally relating to an itemized budget system that  
7 accounts for funds spent on federal government lawsuits.

8 BY repealing and reenacting, with amendments,

9 Article – State Government

10 Section 6–106.1

11 Annotated Code of Maryland

12 (2014 Replacement Volume and 2017 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – State Government**

16 6–106.1.

17 (a) The General Assembly finds that:

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

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

23 (b) (1) In addition to any other powers and duties and subject to the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 requirements of this subsection, the Attorney General may investigate, commence, and  
2 prosecute or defend any civil or criminal suit or action that is based on the federal  
3 government's action or inaction that threatens the public interest and welfare of the  
4 residents of the State with respect to:

5 (i) protecting the health of the residents of the State and ensuring  
6 the availability of affordable health care;

7 (ii) safeguarding public safety and security;

8 (iii) protecting civil liberties;

9 (iv) preserving and enhancing the economic security of workers and  
10 retirees;

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

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

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

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

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

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

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

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

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

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

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

1 action.

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

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

9 [(1)] (I) carrying out this section; and

10 [(2)] (II) employing five attorneys in the Office of the Attorney General.

11 (2) **THE ATTORNEY GENERAL SHALL CREATE AND MAINTAIN AN**  
12 **ITEMIZED BUDGET SYSTEM FOR THE ACCOUNTING AND USE OF FUNDS**  
13 **APPROPRIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN FURTHERANCE OF**  
14 **SUBSECTION (B) OF THIS SECTION.**

15 (3) **ON REQUEST, THE BUDGET SYSTEM CREATED AND MAINTAINED**  
16 **UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE MADE AVAILABLE TO THE**  
17 **PUBLIC.**

18 (d) On or before December 1 each year, the Attorney General shall report to the  
19 Governor and, in accordance with § 2-1246 of this article, the Legislative Policy Committee  
20 on any action taken under this section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
22 1, 2018.