

Chapter 440

(Senate Bill 669)

AN ACT concerning

**State Government – Attorney General – ~~Reports~~ Publication of Documents
Reports**

FOR the purpose of ~~altering certain reporting requirements for the Attorney General;~~
altering certain reporting requirements for the Attorney General; requiring the
Attorney General to publish certain documents on the Attorney General's website;
and generally relating to *reports by* ~~reports by~~ the Attorney General.

BY repealing and reenacting, with amendments,
Article – State Government
Section ~~6-106.1 and 6-108(d)~~ *6-106.1 and 6-108*
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

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

Article – State Government~~6-106.1.~~

~~(a) The General Assembly finds that:~~

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

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

~~(b) (1) In addition to any other powers and duties and subject to the
requirements of this subsection, the Attorney General may investigate, commence, and
prosecute or defend any civil or criminal suit or action that is based on the federal
government's action or inaction that threatens the public interest and welfare of the
residents of the State with respect to:~~

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

~~(ii) safeguarding public safety and security;~~

- ~~(iii) protecting civil liberties;~~
 - ~~(iv) preserving and enhancing the economic security of workers and retirees;~~
 - ~~(v) protecting financial security of the residents of the State, including their pensions, savings, and investments, and ensuring fairness in mortgages, student loans, and the marketplace;~~
 - ~~(vi) protecting the residents of the State against fraud and other deceptive and predatory practices;~~
 - ~~(vii) protecting the natural resources and environment of the State;~~
 - ~~(viii) protecting the residents of the State against illegal and unconstitutional federal immigration and travel restrictions; or~~
 - ~~(ix) otherwise protecting, as parens patriae, the State's interest in the general health and well-being of its residents.~~
- ~~(2) Except as provided in paragraph (4) of this subsection, before commencing a suit or an action under paragraph (1) of this subsection, the Attorney General shall provide to the Governor:~~
- ~~(i) written notice of the intended suit or action; and~~
 - ~~(ii) an opportunity to review and comment on the intended suit or action.~~
- ~~(3) If the Governor objects to the intended suit or action for which notice was provided under this subsection:~~
- ~~(i) the Governor shall provide in writing to the Attorney General the reasons for the objection within 10 days after receiving the notice; and~~
 - ~~(ii) except as provided in paragraph (4) of this subsection, the Attorney General shall consider the Governor's objection before commencing the suit or action.~~
- ~~(4) If the Attorney General determines that emergency circumstances require the immediate commencement of a suit or an action under paragraph (1) of this subsection, the Attorney General shall provide to the Governor notice of the suit or action as soon as reasonably practicable.~~

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

~~(1) carrying out this section; and~~

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

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

6-106.1.

(a) The General Assembly finds that:

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

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

(b) (1) In addition to any other powers and duties and subject to the requirements of this subsection, the Attorney General may investigate, commence, and prosecute or defend any civil or criminal suit or action that is based on the federal government's action or inaction that threatens the public interest and welfare of the residents of the State with respect to:

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

(ii) safeguarding public safety and security;

(iii) protecting civil liberties;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) carrying out this section; and

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

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

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

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

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

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

(2) The annual report shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 9, 2024.