

# SENATE BILL 974

P1

8lr3119

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By: **Senator Manno**

Introduced and read first time: February 5, 2018

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Office of the Attorney General – Appropriation and Staffing**  
3 **(Judicial Use, Spending, Trial, Investigation, and Constitutional Errata**  
4 **(JUSTICE) Act of 2018)**

5 FOR the purpose of requiring the Governor to appropriate at least a certain amount of  
6 money in certain fiscal years in addition to a certain appropriation to the Office of  
7 the Attorney General to be used for certain purposes; and generally relating to the  
8 Governor’s appropriation to the Office of the Attorney General.

9 BY repealing and reenacting, with amendments,  
10 Article – State Government  
11 Section 6–106.1  
12 Annotated Code of Maryland  
13 (2014 Replacement Volume and 2017 Supplement)

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

16 **Article – State Government**

17 6–106.1.

18 (a) The General Assembly finds that:

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

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

8 (ii) safeguarding public safety and security;

9 (iii) protecting civil liberties;

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

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

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

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

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

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

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

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

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

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

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

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

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

8                   (c) **[The] IN ADDITION TO THE GOVERNOR'S APPROPRIATION IN THE STATE**  
9 **BUDGET TO THE OFFICE OF THE ATTORNEY GENERAL, THE** Governor's proposed  
10 budget for fiscal year **[2019] 2020**, and for each fiscal year thereafter, shall appropriate at  
11 least \$1,000,000 **FROM THE GENERAL FUND** to the Attorney General to be used only for:

12                   (1) carrying out this section; and

13                   (2) **[employing five attorneys] CREATING FIVE REGULAR FULL-TIME**  
14 **AUTHORIZED POSITIONS** in the Office of the Attorney General.

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

18                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2018.