

# HOUSE JOINT RESOLUTION 3

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By: **Delegates Rosenberg, Barve, Busch, Davis, Frick, Jones, Kaiser, McIntosh, Pendergrass, and Vallario**

Introduced and read first time: February 6, 2017

Assigned to: Rules and Executive Nominations

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## HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Attorney General – Powers – Maryland Defense Act of 2017**

3 FOR the purpose of directing the Attorney General to take certain actions regarding civil  
4 and criminal suits and actions that are based on the federal government’s action or  
5 inaction that threatens the public interest and welfare of the residents of the State;  
6 requiring the Attorney General, except under certain circumstances, to provide the  
7 Governor with certain notice and an opportunity to review and comment on certain  
8 suits and actions before commencing certain suits and actions; requiring the  
9 Governor, under certain circumstances, to provide in writing reasons for certain  
10 objections to the Attorney General within a certain time period; requiring the  
11 Attorney General, except under certain circumstances, to consider the Governor’s  
12 objections before commencing a certain suit or action; and generally relating to the  
13 powers of the Attorney General.

14 WHEREAS, The General Assembly finds that the federal government’s action, or  
15 failure to take action, may pose a threat to the health and welfare of the residents of the  
16 State; and

17 WHEREAS, The General Assembly finds that the State should investigate and  
18 obtain relief from any arbitrary, unlawful, or unconstitutional federal action or inaction,  
19 and prevent such action or inaction from harming the residents of the State; now, therefore,  
20 be it

21 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the General  
22 Assembly directs the Attorney General to investigate, commence, and prosecute or defend  
23 any civil or criminal suit or action that is based on the federal government’s action or  
24 inaction that threatens the public interest and welfare of the residents of the State with  
25 respect to:

26 (1) protecting the health of the residents of the State and ensuring the  
27 availability of affordable health care;



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1 (2) safeguarding public safety and security;

2 (3) protecting civil liberties;

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

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

8 (6) protecting the residents of the State against fraud and other deceptive  
9 and predatory practices;

10 (7) protecting the natural resources and environment of the State; or

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

13 (9) otherwise protecting, as *parens patriae*, the State's interest in the  
14 general health and well-being of its residents; and be it further

15 RESOLVED, That, unless the Attorney General determines that emergency  
16 circumstances require the immediate commencement of a suit or an action to protect the  
17 public interest and welfare of the residents of the State against the action or inaction of the  
18 federal government, before commencing the suit or an action, the Attorney General shall  
19 provide to the Governor:

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

21 (2) an opportunity to review and comment on the intended suit or action;  
22 and be it further

23 RESOLVED, That, if the Governor objects to the intended suit or action for which  
24 notice was provided:

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

27 (2) unless emergency circumstances required the immediate  
28 commencement of the suit or action, the Attorney General shall consider the Governor's  
29 objection before commencing the suit or action; and be it further

30 RESOLVED, That, if the Attorney General determines that emergency  
31 circumstances require the immediate commencement of a suit or an action to protect the  
32 public interest and welfare of the residents of the State against the action or inaction of the

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1 federal government, the Attorney General shall provide to the Governor notice of the suit  
2 or action as soon as reasonably practicable; and be it further

3           RESOLVED, That a copy of this Resolution be forwarded by the Department of  
4 Legislative Services to the Honorable Lawrence J. Hogan, Jr., Governor of Maryland; the  
5 Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; the Honorable  
6 Michael E. Busch, Speaker of the House of Delegates; and the Honorable Brian E. Frosh,  
7 Attorney General of Maryland.