## **HOUSE JOINT RESOLUTION 3**

P1 7lr2124 CF SJ 5

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

Committee Report: Favorable

House action: Adopted

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Read second time: February 14, 2017

RESOLUTION NO.

1 A House Joint Resolution concerning

## Attorney General - Powers - Maryland Defense Act of 2017

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 inaction that threatens the public interest and welfare of the residents of the State; requiring the Attorney General, except under certain circumstances, to provide the Governor with certain notice and an opportunity to review and comment on certain suits and actions before commencing certain suits and actions; requiring the Governor, under certain circumstances, to provide in writing reasons for certain objections to the Attorney General within a certain time period; requiring the 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 powers of the Attorney General.

WHEREAS, The General Assembly finds that 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

WHEREAS, The General Assembly finds that 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; now, therefore, be it.

RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the General Assembly directs the Attorney General to investigate, commence, and prosecute or defend any civil or criminal suit or action that is based on the federal government's action or

EXPLANATION:

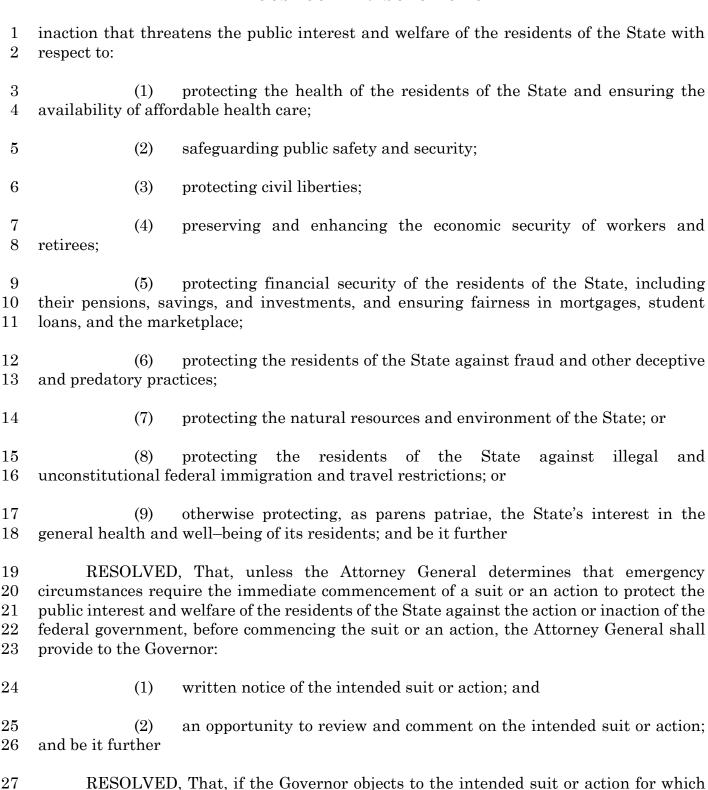
Underlining indicates amendments to bill.

Strike out indicates matter stricken by amendment.



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notice was provided:



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

1 2 3	(2) unless emergency circumstances required the immediate commencement of the suit or action, the Attorney General shall consider the Governor's objection before commencing the suit or action; and be it further
4 5 6 7 8	RESOLVED, That, if the Attorney General determines that emergency circumstances require the immediate commencement of a suit or an action to protect the public interest and welfare of the residents of the State against the action or inaction of the federal government, the Attorney General shall provide to the Governor notice of the suit or action as soon as reasonably practicable; and be it further
9 10 11 12 13	RESOLVED, That a copy of this Resolution be forwarded by the Department of Legislative Services to the Honorable Lawrence J. Hogan, Jr., Governor of Maryland; the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; the Honorable Michael E. Busch, Speaker of the House of Delegates; and the Honorable Brian E. Frosh, Attorney General of Maryland.
	Approved:
	Speaker of the House of Delegates.

President of the Senate.