

SENATE JOINT RESOLUTION 5

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By: Senators Kasemeyer, Madaleno, Astle, Benson, Conway, Currie, DeGrange, Feldman, Ferguson, Guzzone, Kelley, King, Lee, Manno, McFadden, Middleton, Miller, Muse, Nathan-Pulliam, Peters, Pinsky, Ramirez, Robinson, Rosapepe, Smith, Young, Zirkin, and Zucker

Introduced and read first time: February 3, 2017

Assigned to: Budget and Taxation

Committee Report: Favorable

Senate action: Adopted

Read second time: February 9, 2017

RESOLUTION NO. _____

1 A Senate 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

EXPLANATION:

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken by amendment.



SENATE JOINT RESOLUTION 5

1 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That the General
2 Assembly directs the Attorney General to investigate, commence, and prosecute or defend
3 any civil or criminal suit or action that is based on the federal government's action or
4 inaction that threatens the public interest and welfare of the residents of the State with
5 respect to:

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

8 (2) safeguarding public safety and security;

9 (3) protecting civil liberties;

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

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

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

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

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

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

22 RESOLVED, That, unless the Attorney General determines that emergency
23 circumstances require the immediate commencement of a suit or an action to protect the
24 public interest and welfare of the residents of the State against the action or inaction of the
25 federal government, before commencing the suit or an action, the Attorney General shall
26 provide to the Governor:

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

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

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

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

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

4 RESOLVED, That, if the Attorney General determines that emergency
5 circumstances require the immediate commencement of a suit or an action to protect the
6 public interest and welfare of the residents of the State against the action or inaction of the
7 federal government, the Attorney General shall provide to the Governor notice of the suit
8 or action as soon as reasonably practicable; and be it further

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

Approved:

President of the Senate.

Speaker of the House of Delegates.