

Joint Resolution 1

(Senate Joint Resolution 5)

A Senate 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 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 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 inaction that threatens the public interest and welfare of the residents of the State with respect to:

- (1) protecting the health of the residents of the State and ensuring the availability of affordable health care;
- (2) safeguarding public safety and security;
- (3) protecting civil liberties;
- (4) preserving and enhancing the economic security of workers and retirees;

(5) 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;

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

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

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

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

RESOLVED, That, unless 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, before commencing the suit or an action, the Attorney General shall provide to the Governor:

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

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

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

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

(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

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

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.

Signed by the President and the Speaker, February 15, 2017.