

2024-02-20 SB 669 (Support).pdf

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February 20, 2024

TO: The Honorable William Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Tiffany Johnson Clark
Chief, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 669 – State Government – Attorney General - Reports – **Support**

The Office of Attorney General urges this Committee to report favorably on Senate Bill 669 – State Government – Attorney General – Reports. Senate Bill 669 amends two of the Office of the Attorney General's annual reporting requirements.

Maryland Defense Act

The Maryland Defense Act authorizes the Attorney General to protect the State and its residents against harmful actions by the federal government. The Attorney General has brought a full spectrum of actions relating to environmental, health, economic, public safety, civil rights, and other policy arenas in which the federal government attempted to discriminate against or inflict harm upon Marylanders. The Maryland Defense Act has enabled the State to be vigilant in holding the government accountable when its actions violate the constitutional and statutory protections that safeguard the rights and well-being of Marylanders. This law has proven to be an important tool in helping the State ensure that the federal government acts in the best interests of Marylanders.

Over the past three years, activities related to the Maryland Defense Act have significantly decreased; however, the operational effort needed to complete the annual report summarizing Maryland Defense Act cases has not decreased. OAG estimates that producing the annual report takes approximately 80 hours of staff time per year across multiple divisions of the OAG. Additionally, the OAG has been bringing suits under the Maryland Defense Act for around six years. That means there are six years of data that illustrate that the OAG is properly using its authority under the Maryland Defense Act to protect the State and its citizens.

Annual Report and Official Opinions Bound Volumes

Section 6-108 of the State Government Article requires the Attorney General to have published annually, in a bound volume, the official opinions the Attorney General from the preceding calendar year and the annual report for the preceding fiscal year. Senate Bill 669 removes the requirement that the Attorney General annually publish the opinions that the OAG issued and the annual report in a bound volume. We are in the 21st century, and the need to publish the OAG's annual reports in a bound volume is not the same as it was when the requirement was first established. In addition, the OAG currently publishes the official opinions of the Attorney General online, and the number of hits the website draws in terms of searches for OAG opinions far outweighs the number of requests for bound copies of the opinions. Although the OAG intends to continue periodically publishing bound volumes of its official opinions, the deletion of the express publication requirement will provide the Office with greater flexibility in terms of how many bound volumes to publish and how often to publish them.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on House 669.

cc: Committee Members