
By: **Delegates Morhaim and Hubbard**
Introduced and read first time: January 25, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Office of People's Environmental Counsel**

3 FOR the purpose of creating an Office of People's Environmental Counsel; requiring
4 the Governor to appoint the People's Environmental Counsel; establishing
5 certain duties and powers for the People's Environmental Counsel and the
6 Office of People's Environmental Counsel; requiring the State budget to provide
7 certain funding for the Office of People's Environmental Counsel; and generally
8 relating to the Office of People's Environmental Counsel.

9 BY adding to
10 Article - Environment
11 Section 1-701 through 1-704, inclusive, to be under the new subtitle "Subtitle 7.
12 Office of People's Environmental Counsel"
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2000 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Environment**

18 **SUBTITLE 7. OFFICE OF PEOPLE'S ENVIRONMENTAL COUNSEL.**

19 1-701.

20 (A) WITH THE ADVICE AND CONSENT OF THE SENATE, THE GOVERNOR SHALL
21 APPOINT THE PEOPLE'S ENVIRONMENTAL COUNSEL.

22 (B) THE PEOPLE'S ENVIRONMENTAL COUNSEL SHALL SERVE AT THE
23 PLEASURE OF THE GOVERNOR.

24 (C) THE PEOPLE'S ENVIRONMENTAL COUNSEL SHALL AT ALL TIMES BE
25 ADMITTED TO PRACTICE LAW IN THE STATE WHILE HOLDING THE POSITION OF
26 PEOPLE'S ENVIRONMENTAL COUNSEL.

1 (D) BEFORE TAKING OFFICE, THE PEOPLE'S ENVIRONMENTAL COUNSEL
2 SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND
3 CONSTITUTION.

4 (E) THE PEOPLE'S ENVIRONMENTAL COUNSEL SHALL DEVOTE FULL TIME TO
5 THE DUTIES OF THE OFFICE OF PEOPLE'S ENVIRONMENTAL COUNSEL.

6 (F) THE PEOPLE'S ENVIRONMENTAL COUNSEL IS ENTITLED TO A SALARY AS
7 PROVIDED IN THE STATE BUDGET.

8 1-702.

9 (A) THERE IS AN OFFICE OF PEOPLE'S ENVIRONMENTAL COUNSEL
10 ADMINISTERED AND OPERATED BY THE PEOPLE'S ENVIRONMENTAL COUNSEL.

11 (B) THE STATE BUDGET SHALL PROVIDE SUFFICIENT MONEY FOR THE
12 OFFICE OF PEOPLE'S ENVIRONMENTAL COUNSEL TO HIRE NECESSARY STAFF TO
13 MEET THE REQUIREMENTS OF THIS SUBTITLE.

14 1-703.

15 (A) IF THE OFFICE OF PEOPLE'S ENVIRONMENTAL COUNSEL DETERMINES
16 THAT THE INTERESTS OF THE CITIZENS OF THE STATE ARE AFFECTED, THE OFFICE
17 OF PEOPLE'S ENVIRONMENTAL COUNSEL MAY APPEAR BEFORE THE DEPARTMENT
18 AND ANY COURTS ON BEHALF OF THE CITIZENS OF THE STATE IN ANY MATTER OR
19 PROCEEDING OVER WHICH THE DEPARTMENT HAS PRIMARY ENFORCEMENT AND
20 PERMITTING RESPONSIBILITY, INCLUDING THE ISSUANCE OF AND COMPLIANCE
21 WITH PERMITS AND LICENSES AND THE ENFORCEMENT OF AND COMPLIANCE WITH
22 REGULATIONS.

23 (B) AS THE OFFICE OF PEOPLE'S ENVIRONMENTAL COUNSEL CONSIDERS
24 NECESSARY, THE OFFICE OF PEOPLE'S ENVIRONMENTAL COUNSEL:

25 (1) SHALL INVESTIGATE COMPLAINTS BY CITIZENS CONCERNING THE
26 DEPARTMENT'S ENFORCEMENT OF LAWS FOR WHICH THE DEPARTMENT HAS
27 PRIMARY ENFORCEMENT RESPONSIBILITY;

28 (2) MAY INITIATE ADMINISTRATIVE OR LEGAL PROCEEDINGS WITH THE
29 DEPARTMENT OR ANY COURTS TO RESOLVE THE CITIZEN'S COMPLAINTS; AND

30 (3) MAY CONDUCT INVESTIGATIONS AND REQUEST THE DEPARTMENT
31 TO INITIATE ADMINISTRATIVE OR LEGAL PROCEEDINGS AS THE OFFICE OF PEOPLE'S
32 ENVIRONMENTAL COUNSEL DETERMINES TO BE NECESSARY TO PROTECT THE
33 INTERESTS OF CITIZENS.

34 1-704.

35 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE AND CONSISTENT
36 WITH ANY APPLICABLE FREEDOM OF INFORMATION ACT, THE OFFICE OF PEOPLE'S
37 ENVIRONMENTAL COUNSEL SHALL HAVE FULL ACCESS TO THE DEPARTMENT'S

1 RECORDS AND SHALL HAVE THE BENEFIT OF ALL OTHER FACILITIES OR
2 INFORMATION OF THE DEPARTMENT.

3 (B) IF THE OFFICE OF PEOPLE'S ENVIRONMENTAL COUNSEL CONSIDERS
4 THAT THE LEGISLATION WOULD AFFECT THE INTERESTS OF THE CITIZENS OF THIS
5 STATE, THE OFFICE OF PEOPLE'S ENVIRONMENTAL COUNSEL MAY RECOMMEND TO
6 THE GENERAL ASSEMBLY LEGISLATION ON ANY MATTER RELATED TO THE
7 DEPARTMENT'S JURISDICTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2001.