

SENATE BILL 611

P1, M3, M1

3lr2600
CF 3lr2654

By: **Senators Bailey, Elfreth, Rosapepe, and West**
Introduced and read first time: February 6, 2023
Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Office of the Attorney General – Environment and Natural Resources**
3 **Monitoring Unit – Establishment**

4 FOR the purpose of establishing the Environment and Natural Resources Monitoring Unit
5 of the Office of the Attorney General to investigate and prosecute cases against
6 persons that violate State criminal environmental and natural resources laws and
7 to assist the Department of the Environment and the Department of Natural
8 Resources in investigating or bringing a civil action regarding a violation of State
9 civil environmental and natural resources laws; and generally relating to the
10 Environment and Natural Resources Monitoring Unit.

11 BY adding to
12 Article – State Government
13 Section 6–701 and 6–702 to be under the new subtitle “Subtitle 7. Environment and
14 Natural Resources Monitoring Unit”
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2022 Supplement)

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

19 **Article – State Government**

20 **SUBTITLE 7. ENVIRONMENT AND NATURAL RESOURCES MONITORING UNIT.**

21 **6–701.**

22 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(B) "DIRECTOR" MEANS THE DIRECTOR OF ENVIRONMENT AND NATURAL**
2 **RESOURCES MONITORING.**

3 **(C) "UNIT" MEANS THE ENVIRONMENT AND NATURAL RESOURCES**
4 **MONITORING UNIT OF THE OFFICE OF THE ATTORNEY GENERAL.**

5 **6-702.**

6 **(A) (1) THERE IS AN ENVIRONMENT AND NATURAL RESOURCES**
7 **MONITORING UNIT OF THE OFFICE OF THE ATTORNEY GENERAL.**

8 **(2) THE FUNCTION OF THE UNIT IS TO:**

9 **(I) INVESTIGATE AND PROSECUTE CASES AGAINST PERSONS**
10 **THAT VIOLATE STATE CRIMINAL ENVIRONMENTAL AND NATURAL RESOURCES**
11 **LAWS; AND**

12 **(II) ON REQUEST OF THE DEPARTMENT OF THE ENVIRONMENT**
13 **OR THE DEPARTMENT OF NATURAL RESOURCES, ASSIST THE DEPARTMENT IN**
14 **INVESTIGATING OR BRINGING A CIVIL ACTION REGARDING A VIOLATION OF THE**
15 **CIVIL ENVIRONMENTAL OR NATURAL RESOURCES LAWS OF THE STATE.**

16 **(B) (1) THE UNIT SHALL INCLUDE:**

17 **(I) A FULL-TIME DIRECTOR OF ENVIRONMENT AND NATURAL**
18 **RESOURCES MONITORING; AND**

19 **(II) STAFF, INCLUDING ENVIRONMENT AND NATURAL**
20 **RESOURCES JUSTICE MONITORS AND ATTORNEYS SPECIALIZING IN**
21 **ENVIRONMENTAL AND NATURAL RESOURCES LAW, AS PROVIDED IN THE STATE**
22 **BUDGET.**

23 **(2) SALARIES OF THE DIRECTOR, STAFF, AND ENVIRONMENT AND**
24 **NATURAL RESOURCES JUSTICE MONITORS AND EXPENSES FOR RENT, EQUIPMENT,**
25 **SUPPLIES, AND GENERAL OPERATING EXPENSES NECESSARY FOR THE WORK OF THE**
26 **UNIT SHALL BE AS PROVIDED IN THE STATE BUDGET.**

27 **(3) IN COOPERATION WITH THE SECRETARY OF BUDGET AND**
28 **MANAGEMENT, THE ATTORNEY GENERAL SHALL SET MINIMUM SALARIES,**
29 **QUALIFICATIONS, AND STANDARDS OF TRAINING AND EXPERIENCE FOR POSITIONS**
30 **WITHIN THE UNIT.**

31 **(C) THE UNIT SHALL:**

1 **(1) COOPERATE WITH STATE AND LOCAL LAW ENFORCEMENT**
2 **OFFICIALS IN PROSECUTING POLLUTION CASES;**

3 **(2) PROVIDE ASSISTANCE TO VICTIMS OF POLLUTION CRIMES AND**
4 **OTHER ENVIRONMENTAL CRIMES AND SUPPORT PROFESSIONALS WHO ASSIST**
5 **THESE VICTIMS;**

6 **(3) PROSECUTE THE STATE'S CRIMINAL ENVIRONMENTAL AND**
7 **NATURAL RESOURCES LAWS, INCLUDING BRINGING AND DEFENDING CASES UNDER**
8 **WILDLIFE LAWS AND LAWS ASSOCIATED WITH THE MANAGEMENT OF PUBLIC LANDS**
9 **AND NATURAL AND CULTURAL RESOURCES IN THE STATE;**

10 **(4) ON REQUEST OF THE DEPARTMENT OF THE ENVIRONMENT OR**
11 **THE DEPARTMENT OF NATURAL RESOURCES, ASSIST THE DEPARTMENT IN**
12 **INVESTIGATING OR BRINGING A CIVIL ACTION REGARDING A VIOLATION OF THE**
13 **CIVIL ENVIRONMENTAL OR NATURAL RESOURCES LAWS OF THE STATE;**

14 **(5) ADVISE AND ASSIST THE ATTORNEY GENERAL, THE SECRETARY**
15 **OF THE ENVIRONMENT, AND THE SECRETARY OF NATURAL RESOURCES ON**
16 **ENVIRONMENTAL LEGAL AND POLICY QUESTIONS; AND**

17 **(6) WORK WITH NEIGHBORING STATES AND THE FEDERAL**
18 **ENVIRONMENT AND NATURAL RESOURCES DIVISION OF THE U.S. DEPARTMENT OF**
19 **JUSTICE TO ENSURE COMPLIANCE WITH STATE AND FEDERAL ENVIRONMENTAL**
20 **AND NATURAL RESOURCES LAWS ACROSS STATE BOUNDARIES.**

21 **(D) AS APPROPRIATE, THE DIRECTOR SHALL SERVE AS THE ATTORNEY**
22 **GENERAL'S DESIGNEE ON TASK FORCES AND COMMISSIONS RELATED TO**
23 **ENVIRONMENT AND NATURAL RESOURCES POLICY.**

24 **(E) ON OR BEFORE NOVEMBER 30 EACH YEAR, THE UNIT SHALL REPORT TO**
25 **THE ATTORNEY GENERAL, THE SECRETARY OF THE ENVIRONMENT, THE**
26 **SECRETARY OF NATURAL RESOURCES, THE GOVERNOR, AND, IN ACCORDANCE**
27 **WITH § 2-1257 OF THIS ARTICLE, THE GENERAL ASSEMBLY ON ALL THE ACTIVITIES**
28 **OF THE UNIT AND ANY ACTIONS TAKEN BY THE DEPARTMENT OF THE**
29 **ENVIRONMENT OR THE DEPARTMENT OF NATURAL RESOURCES IN RESPONSE TO**
30 **FINDINGS AND RECOMMENDATIONS OF THE UNIT.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2023.