

SENATE BILL 760

M1, M2

9lr2697
CF 9lr2561

By: **Senator Klausmeier**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Whistleblower Program – Establishment**

3 FOR the purpose of requiring the Department of Natural Resources to establish a Natural
4 Resources Whistleblower Program; establishing the purpose of the Program;
5 requiring the Program to provide rewards of financial compensation under certain
6 circumstances to individuals or nonprofit organizations that report violations of
7 natural resources or conservation laws; establishing the Natural Resources
8 Whistleblower Fund as a special, nonlapsing fund; specifying the purpose of the
9 Fund; requiring the Department to administer the Fund; requiring the State
10 Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying
11 the contents of the Fund; specifying the purpose for which the Fund may be used;
12 providing for the investment of money in and expenditures from the Fund; requiring
13 interest earnings of the Fund to be credited to the Fund; exempting the Fund from a
14 certain provision of law requiring interest earnings on State money to accrue to the
15 General Fund of the State; requiring the Department annually to submit a certain
16 report to the Governor and the General Assembly on or before a certain date;
17 requiring the Department to adopt regulations to implement this Act on or before a
18 certain date; altering the distribution of the proceeds of certain criminal fines and
19 restitution imposed by certain courts for certain violations; making certain
20 conforming changes; defining a certain term; and generally relating to the
21 establishment of the Natural Resources Whistleblower Program.

22 BY adding to
23 Article – Natural Resources
24 Section 1–211
25 Annotated Code of Maryland
26 (2018 Replacement Volume)

27 BY repealing and reenacting, with amendments,
28 Article – Natural Resources
29 Section 4–1202

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2018 Replacement Volume)

3 BY repealing and reenacting, without amendments,
4 Article – Natural Resources
5 Section 10–1101.1(a)(1)
6 Annotated Code of Maryland
7 (2012 Replacement Volume and 2018 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 10–1101.1(c) and 10–1102
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2018 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – State Finance and Procurement
15 Section 6–226(a)(2)(i)
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2018 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – State Finance and Procurement
20 Section 6–226(a)(2)(ii)112. and 113.
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2018 Supplement)

23 BY adding to
24 Article – State Finance and Procurement
25 Section 6–226(a)(2)(ii)114.
26 Annotated Code of Maryland
27 (2015 Replacement Volume and 2018 Supplement)

28 Preamble

29 WHEREAS, Maryland’s Natural Resources Police Field Operations Program is
30 responsible for enforcing all laws of the State, including conservation laws, the State Boat
31 Act, regulations governing fish and wildlife, forestry laws, and laws governing State parks
32 and other managed lands owned or controlled by the Department of Natural Resources;
33 and

34 WHEREAS, The Field Operations Program includes only 241 sworn officers; and

35 WHEREAS, Maryland has witnessed several high profile criminal cases related to
36 the theft of commercially grown oysters, striped bass in the public fishery, and deer; and

37 WHEREAS, The Department has recognized the value of establishing a

1 whistleblower program by entering into a partnership with a third party for the anonymous
2 reporting of natural resources and conservation violations; and

3 WHEREAS, It is critical for the Department to make every effort to deploy its Field
4 Operations Program personnel as efficiently as possible; now, therefore,

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

7 **Article – Natural Resources**

8 **1-211.**

9 (A) (1) THE DEPARTMENT SHALL ESTABLISH A NATURAL RESOURCES
10 WHISTLEBLOWER PROGRAM.

11 (2) THE PURPOSE OF THE PROGRAM IS TO:

12 (I) PROVIDE THE NATURAL RESOURCES POLICE FORCE WITH
13 ADDITIONAL ASSISTANCE AND RESOURCES IN ENFORCING CRIMINAL LAWS
14 RELATED TO NATURAL RESOURCES AND CONSERVATION; AND

15 (II) AUGMENT LAW ENFORCEMENT ACTIVITIES FOR STATE
16 PARKS, WATERS, FORESTS, AND LAND.

17 (3) THE PROGRAM SHALL PROVIDE REWARDS OF FINANCIAL
18 COMPENSATION TO INDIVIDUALS OR NONPROFIT ORGANIZATIONS THAT REPORT
19 VIOLATIONS OF NATURAL RESOURCES OR CONSERVATION LAWS THAT LEAD TO A
20 CONVICTION.

21 (B) (1) IN THIS SUBSECTION, “FUND” MEANS THE NATURAL RESOURCES
22 WHISTLEBLOWER FUND.

23 (2) THERE IS A NATURAL RESOURCES WHISTLEBLOWER FUND.

24 (3) THE PURPOSE OF THE FUND IS TO FINANCE THE NATURAL
25 RESOURCES WHISTLEBLOWER PROGRAM ESTABLISHED UNDER SUBSECTION (A) OF
26 THIS SECTION.

27 (4) THE DEPARTMENT SHALL ADMINISTER THE FUND.

28 (5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
29 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 **(II) THE STATE TREASURER SHALL HOLD THE FUND**
2 **SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

3 **(6) THE FUND CONSISTS OF:**

4 **(I) REVENUE DISTRIBUTED TO THE FUND FROM FINES AND**
5 **RESTITUTION IMPOSED BY THE DISTRICT COURT OR A CIRCUIT COURT UNDER §§**
6 **4-1202, 10-1101.1, AND 10-1102 OF THIS ARTICLE;**

7 **(II) MONEY APPROPRIATED IN THE STATE BUDGET TO THE**
8 **FUND;**

9 **(III) INTEREST EARNINGS OF THE FUND THAT ARE CREDITED TO**
10 **THE FUND; AND**

11 **(IV) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
12 **FOR THE BENEFIT OF THE FUND.**

13 **(7) THE FUND MAY BE USED ONLY FOR THE IMPLEMENTATION AND**
14 **ADMINISTRATION OF THE NATURAL RESOURCES WHISTLEBLOWER PROGRAM**
15 **ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.**

16 **(8) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
17 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

18 **(II) INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
19 **THE FUND.**

20 **(9) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
21 **ACCORDANCE WITH THE STATE BUDGET.**

22 **(C) ON OR BEFORE OCTOBER 1 EACH YEAR, THE DEPARTMENT SHALL**
23 **SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE**
24 **STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY DETAILING FOR THE**
25 **PREVIOUS FISCAL YEAR:**

26 **(1) THE REVENUE COLLECTED AND THE REWARDS OF FINANCIAL**
27 **COMPENSATION DISTRIBUTED BY THE NATURAL RESOURCES WHISTLEBLOWER**
28 **FUND;**

29 **(2) THE REPORTS OF VIOLATIONS PROVIDED TO THE DEPARTMENT;**
30 **AND**

1 **(3) THE NUMBER OF VIOLATIONS REPORTED THAT LED TO REWARDS**
2 **OF FINANCIAL COMPENSATION.**

3 **(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
4 **SECTION.**

5 4–1202.

6 (a) (1) Except as provided in paragraph (2) of this subsection, if any fine is
7 imposed by the District Court for a violation of any provision of this title, the fine shall be
8 collected pursuant to the provisions of law of the District Court system.

9 (2) Notwithstanding any other provision of law, a fine imposed by the
10 District Court under § 4–1201(h) of this subtitle on a person who commits a separate
11 commercial fishing violation while the license or authorization is suspended or revoked or
12 who engages in commercial fishing activity without holding the appropriate license or
13 authorization, less the costs of collection, shall be paid **AS FOLLOWS:**

14 **(I) 75% to the Fisheries Research and Development Fund,**
15 **ESTABLISHED UNDER § 4–209 OF THIS TITLE; AND**

16 **(II) 25% TO THE NATURAL RESOURCES WHISTLEBLOWER**
17 **FUND, ESTABLISHED UNDER § 1–211 OF THIS ARTICLE.**

18 (b) If any fine is imposed by the circuit court of any county, the fine, less the costs
19 of collection, shall be paid **AS FOLLOWS:**

20 **(1) 75% to the Fisheries Research and Development Fund, [unless**
21 **otherwise provided for] ESTABLISHED UNDER § 4–209 OF THIS TITLE; AND**

22 **(2) 25% TO THE NATURAL RESOURCES WHISTLEBLOWER FUND,**
23 **ESTABLISHED UNDER § 1–211 OF THIS ARTICLE.**

24 10–1101.1.

25 (a) (1) Notwithstanding § 10–1101 of this subtitle, if a person is convicted of
26 poaching deer on any land in the State, the court shall order the person to pay the State
27 restitution in accordance with this section.

28 (c) The restitution collected under this section shall be credited **AS FOLLOWS:**

29 **(1) 75% to the State Wildlife Management and Protection Fund,**
30 **established under § 10–209 of this title; AND**

31 **(2) 25% TO THE NATURAL RESOURCES WHISTLEBLOWER FUND,**

1 ESTABLISHED UNDER § 1-211 OF THIS ARTICLE.

2 10-1102.

3 (a) If any fine is imposed by the District Court for a violation of any provision of
 4 this title, the fine shall be collected pursuant to the provisions of law of the District Court
 5 system, with the exception of restitution payments made under § 10-1101.1 of this subtitle
 6 that are credited to the State Wildlife Management and Protection Fund, established under
 7 § 10-209 of this title, **AND THE NATURAL RESOURCES WHISTLEBLOWER FUND,**
 8 **ESTABLISHED UNDER § 1-211 OF THIS ARTICLE.**

9 (b) If any fine is imposed by the circuit court of any county, the fine, less the costs
 10 of collection, shall be paid **AS FOLLOWS:**

11 (1) 75% to the State Wildlife Management and Protection Fund, [unless
 12 otherwise provided for] **ESTABLISHED UNDER § 10-209 OF THIS TITLE; AND**

13 (2) 25% TO THE NATURAL RESOURCES WHISTLEBLOWER FUND,
 14 **ESTABLISHED UNDER § 1-211 OF THIS ARTICLE.**

15 **Article – State Finance and Procurement**

16 6-226.

17 (a) (2) (i) Notwithstanding any other provision of law, and unless
 18 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 19 terms of a gift or settlement agreement, net interest on all State money allocated by the
 20 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 21 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 22 Fund of the State.

23 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 24 to the following funds:

25 112. the Pretrial Services Program Grant Fund; [and]

26 113. the Veteran Employment and Transition Success Fund;

27 **AND**

28 **114. THE NATURAL RESOURCES WHISTLEBLOWER FUND.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Natural
 30 Resources shall adopt the regulations required under this Act on or before October 1, 2019.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 32 1, 2019.

