CITY COUNCIL AGENDA

This meeting will be held in-person and virtual.

25 Crescent Road
Greenbelt, MD 20770

OR

Virtual Participation
Zoom Webinar Attendees:

During "Petitions and Requests," please submit your request in writing via email to questions@greenbeltmd.gov

https://us02web.zoom.us/j/89388994451?pwd=bStURmdnaTdpdTlKM3FrK1lVeTErUT09

Dial-in: 301 715 8592
Webinar ID: 893 8899 4451
Passcode: 461628

Monday, March 11, 2024
7:30 PM

I. ORGANIZATION 15 minutes (7:30 - 7:45 pm)

1. Call to Order

2. Roll Call

3. Meditation and Pledge of allegiance to the Flag

4. Petitions and Requests

5. Consent Agenda - Approval of Staff Recommendations (Items on the Consent Agenda [marked by *] will be approved as recommended by Council and staff, subject to removal from the Consent Agenda by Council.)

6. Approval of Agenda and Additions

II. COMMUNICATIONS 60 minutes (7:45 - 8:45 pm)

7. Presentations

7a. ACE Educator Award Ceremony

Suggested Action:

Janet Mirsky, Chair of the Advisory Committee of Education (ACE), will introduce the 2024 ACE Educator Award recipients from the six Greenbelt schools. The Council will present each recipient with a certificate. Senator Washington and Delegates Healey, Martinez, and Williams were invited. The 2024 award recipients are:

- Ivy Wilcher - Springhill Lake Elementary
- Stephanie Abuelhawa - Greenbelt Elementary
- Mercy Faeldonia - Magnolia Elementary
- Judith Barrera - Eleanor Roosevelt High School
- Kristen Ransome - Dora Kennedy French Immersion
- Byron Snowden - Greenbelt Middle School

7b. MeatOut Day Proclamation

Suggested Action:

Mayor Jordan will present a proclamation declaring March 20th as MeatOut Day.

MeatOut Proclamation-ej.pdf

7c. National Women's History Month Proclamation

Suggested Action:

Mayor Jordan will present a proclamation declaring March National Women's History.

Women's History Month proc-ej.pdf

*8. Minutes

9. Administrative Reports

Suggested Action:

Reference: This link will display the weekly report for the City Manager and City Departments https://www.greenbeltmd.gov/government/city-administration/city-manager-s-office/weekly-reports/-folder-1543#docan2352_4054_3510

*10. Committee Reports

*10a. Arts Advisory Board Report #24-2 - (FY24/25 Arts Advisory Board Programming Funds)
Suggested Action:
It is recommended that the City Council accept this report.
AAB 24-2 AAB programming funds.pdf

*10b. Greenbelt Advisory Committee on Environmental Sustainability (Green ACES), Report to the City Council Recommendation #2024-01
Suggested Action:
It is recommended that the City Council accept this report. Green ACES recommends that the City Council send a letter to the Maryland General Assembly supporting HB735/SB642 - Beverage Container Recycling Refund and Litter Reduction Program. This item will appear later on the agenda under Legislative Bill Review.
Green ACES Recommendation 2024-01 Bottle Bill Letter of Support.pdf
Beverage Container Recycling Refund & Litter Reduction fact sheet -sign on (1).pdf

III. LEGISLATION

IV. OTHER BUSINESS 60 minutes (8:45 - 9:45 pm)

11. Red-Light Cameras Contract Agreement
Suggested Action:
Reference:

Memo, R. Bowers, 03/07/2024

Red Light Camera Contract Verra Mobility

The Greenbelt Police Department began a red-light camera enforcement program in 2002 as part of a partnership with other area police departments. The current contract is up for renewal with Verra Mobility as part of the ongoing partnership with the Howard County Police Department.

The proposed contract extension is attached. Staff recommends the City extend the proposed contract.

Memo, R. Bowers, 03.07.2024.pdf
2024-02-24 Renewal - Greenbelt MD.pdf

12. Legislative Bill Review

Suggested Action:

Reference:

CR-005-2024
SB0191
HB0282
HB0396
HB0398
HB0513/SB0479
HB0601/SB0442
HB0924/SB1126
HB1059
HB0735

CR-005-2024 -This legislation is pending before the Prince George’s County Council’s Health, Human Services and Public Safety (HHSPS) Committee, which may interest the City of Greenbelt. CR-005-2024 advocates for the establishment of a Commission providing reparations to African Americans descended from those previously enslaved in this State. In a tribute to Harriet Tubman’s legacy, the Prince George's County Council urges the General Assembly to create the Maryland Representatives Commission, embodying a commitment to justice and historical recognition. The Prince George's County Council calls upon the General Assembly to establish the Maryland Representatives Commission in the 2024 legislative session. It is recommended that the City Council support CR-005-2024.

SB0191, Prince George's County - Property Tax Credit - Public School Employees PG 503-24: Authorizing the governing body of Prince George's County to grant, by law, a property tax credit against the county property tax imposed on dwellings that are owned by certain eligible employees of the Prince George's County Public School System; providing for the maximum amount of the credit; requiring the Prince George's County government to submit a certain report concerning the credit to certain persons on or before a certain date; applying the Act to all taxable years beginning after June 30, 2024; etc. Council direction is sought.

HB0282, Speed Monitorying Systems - Agencies - Statements and Certificates of Violations: This bill authorizes a technician employed by an agency (rather than only a duly authorized law enforcement officer) to (1) sign a statement in a citation alleging a speed monitoring system violation and (2) swear to or affirm (for evidentiary reasons) that a speed monitoring system violation occurred (after inspection of a recorded image). It is recommended that the City Council support

HB0282.

HB0396, Prince George's County - Sales and Use Tax on Energy and Fuel - Use of Revenue PG 407-24: This bill enables the Prince George's County government to use the proceeds from the local sales and use tax on energy and fuel to meet the State funding requirements for the local school system under the maintenance of effort (MOE) requirement and local share provision. Under current law, the revenue proceeds from the energy and fuel tax cannot be used to supplant local funding required under the MOE or local share provision. The bill takes effect July 1, 2024. It is recommended that the City Council support HB0396.

HB0398, Prince George's County - Sales and Use Tax on Telecommunications Services - Use of Revenue PG 406-24: This bill enables the Prince George's County government to use the proceeds from the local sales and use tax on telecommunications services to meet the State funding requirements for the local school system under the maintenance of effort (MOE) requirement and local share provision. Under current law, revenue proceeds from the telecommunications tax cannot be used to supplant local funding required under the MOE or local share provision. The bill takes effect July 1, 2024. It is recommended that the City Council support HB0398.

HB0513/SB0479, Motor Vehicles - Work Zone Speed Control Systems - Revisions (Maryland Road Worker Protection Act of 2024): This Administration bill makes changes to the State's work zone speed control systems (work zone speed cameras) program. Specifically, the bill (1) increases civil penalties for violations captured by work zone speed cameras; (2) alters the distribution of the revenues collected from these penalties; (3) makes several clarifying, conforming, and technical changes to the program; and (4) establishes a reporting requirement for the State Highway Administration (SHA). The bill generally takes effect June 1, 2024; however, provisions establishing higher penalties for subsequent offenses take effect January 1, 2025. It is recommended that the City Council support HB0513/SB0479.

HB0601/SB0442, Street Racing and Exhibition Driving – Prohibited Acts, Enforcement, and Penalties: This bill increases penalties and points assessments for violations related to participation in racing or speed contests. The bill also establishes a statewide prohibition on exhibition driving on any highway or private property that is used for driving by the general public. By expanding application of an existing provision, the bill establishes a statewide
prohibition on exhibition driving, racing, and other related activities in a special event zone. The bill takes effect June 1, 2024. It is recommended that the City Council support HB0601/SB0442.

HB0924/SB1126, Transportation – Regional Transportation Authorities: This bill establishes three regional transportation authorities, and related special funds, to prepare and implement regional congestion relief plans for the Baltimore region, the capital region, and the Southern Maryland region, as those regions are defined in the bill. The bill specifies the duties and powers of each authority and requires each special fund to be used to finance transportation facilities in its respective region. By July 1, 2025, the Maryland Department of Transportation (MDOT), in consultation with the Comptroller, must report to the General Assembly on the feasibility of creating local-option transportation revenues for the purpose of raising funds to the provide revenue for the regional transportation authorities established by the bill. It is recommended that the City Council support HB0924/SB1126.

HB1059, Prince George's County - Qualifying Municipal Corporation - Land Use PG/MC 105-24: Authorizing a governing body of a qualifying municipal corporation by resolution to exercise the powers of the Prince George's County Planning Board, the zoning hearing examiner for Prince George's County, or the District Council for Prince George's County to make specified land use decisions; subjecting the exercise of those powers to the substantive and procedural requirements and standards established in the Prince George's County zoning ordinance; and providing for the judicial review of certain actions. Introduced in a prior session as: HB0892 Session: 2012 Regular Session. Council direction is sought.

HB0735, Maryland Beverage Container Recycling Refund and Litter Reduction Program: Establishing the Maryland Beverage Container Recycling Refund and Litter Reduction Program to increase the reuse and recycling of beverage containers and reduce the litter, pollution, and costs associated with beverage containers; prohibiting a producer from selling, offering for sale, or distributing in or importing into the State a redeemable beverage container unless the producer is registered with the Department of the Environment, pays a certain fee, and is part of a certain stewardship organization; etc. It is recommended that the City Council support HB0735.

CR-005-2024 Commission on Reparations.pdf
SB0191.pdf
HB0282.pdf
HB0396.pdf
HB0398.pdf
HB0513.pdf
HB0601.pdf
HB0924.pdf
HB0735.pdf

13. Motion to Donate a Greenbelt Flag to the County Library

Suggested Action:
Mayor Jordan requested this item to be added to the agenda.

14. Meetings - Discussion of Summer Meeting Schedule
Suggested Action:
Greenbelt City Council's Standing Rules already allow for a single regular meeting in July, on the second Monday of the month rather than both the second and fourth Mondays as in most months. Extending that policy to include not scheduling any Council work sessions during the last two to three weeks of July (unless an emergency arises) would allow for a break and scheduling of vacations for both Council Members and relevant City Staff. In addition, the National League of Cities Summer Board and Leadership Meeting has been scheduled for the latter half of July the last several years (exact dates not yet announced this year), which may take one or more Council Members out on travel during that period as well. All other scheduled break now we can make sure any necessary, non-emergency business requiring a meeting is taken care of in the first half of July, or that it can wait until our first meeting in August.

NOTE: The City Council will discuss scheduling the Council Goals work session in follow-up to the January 27th Council Retreat and discuss the schedule for the December holiday.

meetings.pdf

15. Council Activities

16. Council Reports

*17. Stakeholder List
Stakeholder Schedule.pdf

*18. Appointment to Advisory Board/Committee
Suggested Action:
Reference: Application and Code of Conduct

The City Council interviewed Nathan Gerdes on February 5, 2024, for the Community Relations Advisory Board (CRAB).

The City Council interviewed Adriene Lim on October 30, 2023, for the Arts Advisory Board (AAB).

Approval of this item on the consent agenda will indicate the Council's intent to appoint Mr. Gerdes to the Community Relations Advisory Board and Ms. Lim to the

Arts Advisory Board.

*19. Letter - Proposed Minor Amendment to the 1989 Approved Master Plan and Sectional Map Amendment for the Langley Park-College Park-Greenbelt-and Vicinity
Suggested Action:
Reference: Draft Letter

M-NCPPC Prince George's County Planning Department is proposing a minor amendment to the *1989 Approved Master Plan and Sectional Map Amendment for the Langley Park-College Park-Greenbelt and Vicinity. The minor amendments* are intended to update certain obsolete development pattern recommendations/terminology for "Activity Centers" found in the 1989 Master Plan. The proposed terminology will align the Master Plan with *Plan Prince George's 2035 Approved General Plan's* Established Communities and Employment Areas definitions, as well as recent Countywide zoning amendments for Commercial and Neighborhood designations. The project also proposes a concurrent Sectional Map Amendment for a portion of Planning Area 66. Greenbelt is in Planning Area 67 and would not be affected by the Sectional Map Amendment which is focused on two blocks in College Park.

Staff does not have any concerns with the proposed minor amendments but believes that this is an opportune time to request that M-NCPPC initiate the process of drafting a new Master Plan that encompasses the City of Greenbelt. A new Master Plan will thoughtfully consider the changes that have taken place over the past 35 years and guide development in the coming years as we continue to anticipate changes in our demographics and land uses—including the recent selection of Greenbelt Metro Station as the new home of the FBI headquarters—that aren't encompassed in the prevailing, aging plan.

A joint public hearing on the proposed amendments is scheduled for March 19, 2024. Staff recommends that the City Council transmit a letter to the Prince George's County Council and Planning Board requesting the initiation of a new Master Plan.
23-0311_RE Proposed Minor Amendment to 1989 Approved Master Plan_Council Letter_DRAFT (002).pdf

City Council Agenda Item Report

Meeting Date: March 11, 2024
Submitted by: Shaniya Lashley-Mullen
Submitting Department: Administration
Item Type: Presentations
Agenda Section: COMMUNICATIONS 60 minutes (7:45 - 8:45 pm)

Subject:
ACE Educator Award Ceremony

Suggested Action:
Janet Mirsky, Chair of the Advisory Committee of Education (ACE), will introduce the 2024 ACE Educator Award recipients from the six Greenbelt schools. The Council will present each recipient with a certificate. Senator Washington and Delegates Healey, Martinez, and Williams were invited. The 2024 award recipients are:

- Ivy Wilcher - Springhill Lake Elementary
- Stephanie Abuelhawa - Greenbelt Elementary
- Mercy Faeldonia - Magnolia Elementary
- Judith Barrera - Eleanor Roosevelt High School
- Kristen Ransome - Dora Kennedy French Immersion
- Byron Snowden - Greenbelt Middle School

Attachments:

Agenda Item No: 7b.

City Council Agenda Item Report

Meeting Date: March 11, 2024
Submitted by: Shaniya Lashley-Mullen
Submitting Department: Administration
Item Type: Proclamation
Agenda Section: COMMUNICATIONS 60 minutes (7:45 - 8:45 pm)

Subject:
MeatOut Day Proclamation

Suggested Action:
Mayor Jordan will present a proclamation declaring March 20th as MeatOut Day.

Attachments:
MeatOut Proclamation-ej.pdf

P R O C L A M A T I O N

WHEREAS*, removing animal products from our diets reduces the risk of various ailments, including heart disease, high blood pressure, stroke, multiple cancers, diabetes; and*

WHEREAS*, a plant-based diet helps protect the environment by reducing our carbon footprint, preserving forests, grasslands, and wildlife habitats, and reducing pollution of our waterways; and*

WHEREAS*, a growing number of people are reducing their meat consumption to help prevent animal cruelty; and*

WHEREAS*, since MeatOut was launched in 1985, more than 35 million Americans have explored a plant-based diet and reduced their consumption of meat, dairy, and eggs, and major food manufacturers and national franchises are marketing more vegan options in response to this growing demand; and*

WHEREAS, *many Greenbelt residents and visitors patronize our local restaurants and stores that provide healthful and delicious vegan and vegetarian options, thereby bolstering our local economy.*

NOW, THEREFORE*, I, Emmett V. Jordan, by the authority vested in me by the residents and City Council of Greenbelt, do hereby proclaim March 20, 2024, as*

MEATOUT DAY

in the City of Greenbelt and call upon all residents to explore the benefits of a wholesome plant-based diet.

IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Seal of the City of Greenbelt, Maryland, to be affixed this 11th day of March 2024.*

EMMETT V. JORDAN, Mayor

Agenda Item No: 7c.

City Council Agenda Item Report

Meeting Date: March 11, 2024
Submitted by: Shaniya Lashley-Mullen
Submitting Department: Administration
Item Type: Proclamation
Agenda Section: COMMUNICATIONS 60 minutes (7:45 - 8:45 pm)

Subject:
National Women's History Month Proclamation

Suggested Action:
Mayor Jordan will present a proclamation declaring March National Women's History.

Attachments:
Women's History Month proc-ej.pdf

PROCLAMATION

WHEREAS, *women of diverse races, classes, ethnicities, sexual orientations, gender identities, and abilities have significantly contributed to the viability and prosperity of our nation; and*

WHEREAS, *women have faced and overcome discrimination, harassment, and adversity with courage and resilience, steadfast in the belief that persistence and determination can surmount any barrier;* and

WHEREAS, *women are indispensable in the economic, cultural, and social realms of our nation's life, shaping its direction and progress; and*

WHEREAS, *throughout history, women have been pivotal in advocating for suffrage, equal opportunities, and in leading movements such as the abolitionist, emancipation, industrial labor, and civil rights movements, often spearheading progressive social changes; and*

WHEREAS, *from the inception of communities such as Greenbelt to the present day, women, including figures like Eleanor Roosevelt, have emerged as influential advocates and thought leaders, shaping our societal values and priorities; and*

WHEREAS*, despite their invaluable contributions, the roles and achievements of women have been frequently marginalized and undervalued in historical narratives and scholarly studies.*

NOW, THEREFORE BE IT RESOLVED, *I, Emmett V. Jordan, by the authority vested in me by the residents and City Council of Greenbelt, do hereby proclaim March*

WOMEN'S HISTORY MONTH

In the Greenbelt, to recognize and honor the enduring impact of women in all spheres of life, and to commit to a more inclusive and equitable representation of their contributions in our collective history and future endeavors.

IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Seal of the City of Greenbelt, Maryland, to be affixed this 11th day of March 2024.*

EMMETT V. JORDAN, Mayor

City Council Agenda Item Report

Meeting Date: March 11, 2024
Submitted by: Shaniya Lashley-Mullen
Submitting Department: Administration
Item Type: Board and Committee Reports
Agenda Section: COMMUNICATIONS 60 minutes (7:45 - 8:45 pm)

Subject:
Arts Advisory Board Report #24-2 - (FY24/25 Arts Advisory Board Programming Funds)

Suggested Action:
It is recommended that the City Council accept this report.

Attachments:
AAB 24-2 AAB programming funds.pdf

Greenbelt Arts Advisory Board Report 24-2

To: Greenbelt City Council
Date: February 6, 2024
Subject: FY24/25 Arts Advisory Board Programming Funds

The Greenbelt Arts Advisory Board acknowledges with gratitude the appropriation of $1,000 in the City's FY24 budget for AAB programming. AAB was able to contribute to the Art Open House in October 2023 and is planning on hosting an arts mixer in spring 2024. AAB has had success holding arts mixers for the past few years, hosted by AAB at the New Deal Café in partnership with the Friends of New Deal Café Arts. AAB has also hosted and co-hosted other events including the Roosevelt Center Arts Crawl in 2022 and the Art Open House in 2023. These events have provided networking opportunities, resource information, and thoughtful discussions of various topics related to community arts. AAB has rarely spent more than $500 per year even while hosting successful events. Given the unspent budgeted amount, AAB is reducing the requested amount for the coming fiscal year. $500 is requested for the coming year (FY24) for future arts mixers as well as other community arts projects as the Board may wish to undertake.

Respectfully Submitted,
Amanda Larsen, Staff Liaison, for
Tom LeaMond, Chair, and the Arts Advisory Board

Agenda Item No: *10b.

City Council Agenda Item Report

Meeting Date: March 11, 2024
Submitted by: Bonita Anderson
Submitting Department: Administration
Item Type: COMMUNICATIONS
Agenda Section: COMMUNICATIONS 60 minutes (7:45 - 8:45 pm)

Subject:

Greenbelt Advisory Committee on Environmental Sustainability (Green ACES), Report to the City Council Recommendation #2024-01

Suggested Action:

It is recommended that the City Council accept this report. Green ACES recommends that the City Council send a letter to the Maryland General Assembly supporting HB735/SB642 - Beverage Container Recycling Refund and Litter Reduction Program. This item will appear later on the agenda under Legislative Bill Review.

Attachments:

Green ACES Recommendation 2024-01 Bottle Bill Letter of Support.pdf
Beverage Container Recycling Refund & Litter Reduction fact sheet -sign on (1).pdf

Green ACES

Greenbelt Advisory Committee on Environmental Sustainability

GREENBELT ADVISORY COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY
REPORT TO CITY COUNCIL
Date: March 8, 2024
Recommendation # 2024-01

SUBJECT: City Council letter of support for the Beverage Container Recycling Refund and Litter Reduction Program legislation (HB735/SB642) currently being considered in the Maryland General Assembly.

BACKGROUND: : (Source: Fact Sheet – Sierra Club, Maryland Chapter)

About 5.2 billion beverage containers are sold in Maryland annually.[1] Despite widespread availability of curbside collection of recyclables and public recycling receptacles, only about a quarter of the containers (23%) are captured for recycling. Four billion containers a year (2.6 billion of which are plastic) are left in the environment – in landfills, on roadsides, in waterways – or incinerated. Beverage containers are about half of the trash by volume in the Anacostia watershed's trash traps.[2]

Plastic beverage containers pollute our waterways and pose a threat to wildlife and human health. They break up into small pieces and are ingested by marine life, injuring and killing fish, seabirds, and marine mammals – and ultimately end up in the human food chain. Scientists estimate that we are ingesting up to a credit card's worth of plastic weekly.

Beverage container deposit programs, also known as "bottle bills," are a proven, highly effective policy for recovering used beverage containers and reducing litter. Ten states, covering about 90 million people, have longstanding, successful programs.[3] They add a small deposit to the purchase price of beverage containers that is refunded to customers when the containers are returned for recycling. When empty beverage containers can be redeemed for cash, fewer are littered or likely to remain littered. The refundable deposit is an incentive to return.

Deposit programs also dramatically increase beverage container recycling. The recycling rate for deposit beverage containers is 2-3 times higher than for containers not subject to a deposit, and

[1] Container Recycling Institute, Beverage Market Data Analysis, based on 2019 data.
[2] Anacostia Watershed Society.
[3] California, Connecticut, Hawaii, Iowa, Maine, Massachusetts, Michigan, New York, Oregon, and Vermont. Redemption rates in 2019 ranged from 59% to 91%. There are currently 72 container deposit programs worldwide in 61 countries. Increased interest in the past decade has been fueled by public concern about plastic pollution. Collins, Susan. 2020. "International Embrace," *Plastics Recycling Update,* Winter, pp. 38-43.

the impact is greater with higher deposits. States with a 10-cent deposit have achieved container recycling rates of 90%.

How Program Will Operate. The Beverage Container Recycling Refund and Litter Reduction bill (HB 735/SB 642) would create a beverage container deposit program in Maryland with a 10- or 15-cent refundable deposit on metal, glass, and plastic beverage containers, depending on container size. The deposit is refunded to the customer when the beverage container is returned for recycling. The program would rely on reverse vending machines and other new technologies for convenient container redemption to achieve at least a 90% redemption rate.

Reverse Vending Machines

The program would be operated by a nonprofit Beverage Container Stewardship Organization selected by the Maryland Department of the Environment (MDE), representing all producers that sell beverages in the state.

MDE would provide substantial oversight, approving stewardship plans and annual reports, and setting the programs' convenience standards and handling fees for redemption points. An Advisory Council of stakeholders would advise MDE on plan approval, implementation, and performance.

The program would be self-financing from fees paid by producers, revenue from the sale of raw materials, unclaimed deposits, and penalties. Ten percent of unclaimed deposits would fund a Grant Program to increase the reuse and recycling of beverage containers.

Program Benefits:

- **Reduction in beverage container litter and plastic pollution, and an increase in water quality**. It would capture more than 3 billion additional beverage containers annually, including 2 billion plastic bottles.
- **Quadrupling of Maryland's beverage container recycling rate.** The recycling rate, currently only 23% of containers sold in the state, would increase to 90% or more with the Bottle Bill.
- **Increase in high quality, food-grade recycled content for new food and beverage containers**. When the targets are achieved, the program will generate an additional 11,305 tons of aluminum, 44,066 tons of PET plastic, 3,207 tons of HDPE plastic, and 140,923 tons of glass to be recycled into new containers.
- **Reduction in greenhouse gas emissions.** By reducing the production of new cans and bottles from virgin materials, the additional recycling from this program would eliminate 195,000 metric tons of CO^2 equivalent annually, equal to removing the emissions of 42,000 cars.
- **Savings for taxpayers and local governments.** Beverage producers would finance the costs of collection and processing of the 75% of beverage containers currently being disposed or littered, as well as the collection and processing of some containers currently recycled curbside. The program will divert materials from costly landfills and incinerators, resulting in savings in collection, transport, tipping fee, and recycle processing costs. These disposal costs are currently borne by taxpayers and local governments.

- **Investments in refillable and reusable beverage container systems.** Deposits are critical for development of refillable and reusable containers. The program will launch that transition.
- **Job creation.** Recycling generated by a deposit program creates five times as many jobs as landfilling or incineration. Use of reverse vending machines and new sorting technology will develop high-tech jobs in manufacturing and servicing the machines. New jobs also will be created by investments in the reuse/refill systems.

For further information, the Sierra Club Fact Sheet is attached as an appendix to this recommendation.

RECOMMENDATION: Green ACES recommends that City Council send a letter to the Maryland General Assembly in support of HB735/SB642 - Beverage Container Recycling Refund and Litter Reduction Program.

Green ACES feels that this legislation will support the City of Greenbelt's zero waste goals, improve the quality of Greenbelt streams, support the health of Greenbelt residents and wildlife, reduce litter, and achieve cost savings for the City's waste management budget.

Endorsement from City Council for this legislation will build on Council's Zero Waste Week proclamations and its support for other environmental initiatives in Greenbelt.

Maryland Needs a Bottle Bill!
HB 735 / SB 642

The Problem

About 5.2 billion beverage containers are sold in Maryland annually.[1] Despite widespread availability of curbside collection of recyclables and public recycling receptacles, only about a quarter of the containers (23%) are captured for recycling. Four billion containers a year, 2.6 billion of which are plastic, are left in the environment–in landfills, on road-sides, in waterways–or incinerated. The number littered is significant: Beverage containers are about half of the trash by volume in the Anacostia watershed's trash traps.[2]

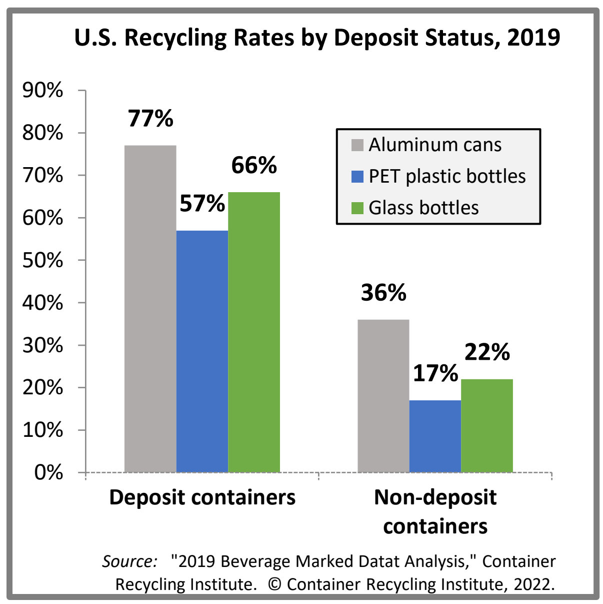
Courtesy of Anacostia Watershed Society

Plastic beverage containers pollute our waterways and pose a threat to wildlife and human health. They break up into small pieces and are ingested by marine life, injuring and killing fish, seabirds, and marine mammals. Scientists estimate that we are ingesting up to a credit card's worth of plastic *weekly*.

The Solution

Beverage container deposit programs, also known as "bottle bills," are a proven, highly effective policy for recovering used beverage containers and reducing litter. Ten states, covering about 90 million people, have longstanding, successful programs.[3] They add a small deposit to the purchase price of beverage containers that is refunded to customers when the containers are returned for recycling. When empty beverage containers can be redeemed for cash, fewer are littered or likely to remain littered. Purchase the beverage, borrow the container! The refundable deposit is an incentive to return.

Deposit programs also dramatically increase beverage container recycling. The recycling rate for deposit beverage containers is 2-3 times higher than for containers not subject to a deposit, and the impact is greater with higher deposits. States with a 10-cent deposit have achieved container recycling rates of 90%.



How Will the Program Operate?

The Beverage Container Recycling Refund and Litter Reduction bill (HB 735/SB 642) would create a beverage container deposit program in Maryland with a 10- or 15-cent refundable deposit on metal, glass, and plastic beverage containers, depending on container size. The deposit is refunded to the customer when the beverage container is returned for recycling. The program would rely on reverse vending machines and other new technologies for convenient container redemption to achieve at least a 90% redemption rate.

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[1] Container Recycling Institute, Beverage Market Data Analysis, based on 2019 data.
[2] Anacostia Watershed Society.
[3] California, Connecticut, Hawaii, Iowa, Maine, Massachusetts, Michigan, New York, Oregon, and Vermont. Redemption rates in 2019 ranged from 59% to 91%.There are currently 72 container deposit programs worldwide in 61 countries. Increased interest in the past decade has been fueled by public concern about plastic pollution. Collins, Susan. 2020. "International Embrace," *Plastics Recycling Update* ,Winter,pp. 38-43.

The program would be operated by a nonprofit Beverage Container Stewardship Organization selected by the Maryland Department of the Environment (MDE), representing all producers that sell beverages in the state. MDE would provide substantial oversight, approving stewardship plans and annual reports, and setting the programs' convenience standards and handling fees for redemption points. An Advisory Council of stakeholders would advise MDE on plan approval, implementation, and performance.

A reverse vending machine

The program would be self-financing from fees paid by producers, revenue from the sale of raw materials, unclaimed deposits, and penalties. Ten percent of unclaimed deposits would fund a Grant Program to increase the reuse and recycling of beverage containers.

What Are the Program's Benefits?

- **Reduction in beverage container litter and plastic pollution, and an increase in water quality**. It would capture more than 3 billion additional beverage containers annually, including 2 billion plastic bottles
- **Quadrupling of Maryland's beverage container recycling rate.** The recycling rate, currently only 23% of containers sold in the state, would increase to more than 90% with the Bottle Bill.
- **Increase in high quality, food-grade recycled content for new food and beverage containers**. When the targets are achieved, the program will generate an additional 11,305 tons of aluminum, 44,066 tons of PET plastic, 3,207 tons of HDPE plastic, and 140,923 tons of glass to be recycled into new containers.
- **Reduction in greenhouse gas emissions.** By reducing the production of new cans and bottles from virgin materials, the additional recycling from this program would eliminate 195,000 metric tons of CO_2 equivalent annually, the equivalent of removing the emissions of 42,000 cars.
- **Savings for taxpayers and local governments.** Beverage producers would finance the costs of collection and processing of the ¾ of beverage containers currently being disposed or littered, as well as the collection and processing of some containers currently recycled curbside. The program will divert materials from costly landfills and incinerators. These disposal costs are currently borne by taxpayers and local governments.
- **Investments in refillable and reusable beverage container systems.** Deposits are critical for development of refillable and reusable containers. The program will launch that transition.
- **Job creation.** Recycling generated by a deposit program creates five times as many jobs as landfilling or incineration.

Support the Beverage Container Recycling Refund and Litter Reduction Program(HB 735 / SB 642) to reduce litter, prevent plastic pollution, increase recycling, and conserve resources!

Plastic Free QAC
Anacostia Watershed Society
Blue Water Baltimore
Anacostia Riverkeeper
Montgomery County, Maryland Women's Democratic Club
National Aquarium
Waterfront Partnership of Baltimore
South Baltimore Community Land Trust
Alice Ferguson Foundation
Surfrider Foundation
Waterkeepers Chesapeake
Sierra Club Maryland Chapter
Indivisible HoCo MD
Maryland Catholics for Our Common Home
Trash Free Maryland
Safe Healthy Playing Fields

City Council Agenda Item Report

Meeting Date: March 11, 2024
Submitted by: Bonita Anderson
Submitting Department: Greenbelt Police
Item Type: OTHER BUSINESS
Agenda Section: OTHER BUSINESS 60 minutes (8:45 - 9:45 pm)

Subject:
Red-Light Cameras Contract Agreement

Suggested Action:
Reference:

Memo, R. Bowers, 03/07/2024

Red Light Camera Contract Verra Mobility

The Greenbelt Police Department began a red-light camera enforcement program in 2002 as part of a partnership with other area police departments. The current contract is up for renewal with Verra Mobility as part of the ongoing partnership with the Howard County Police Department.

The proposed contract extension is attached. Staff recommends the City extend the proposed contract.

Attachments:
Memo, R. Bowers, 03.07.2024.pdf
2024-02-24 Renewal - Greenbelt MD.pdf

CITY OF GREENBELT, MARYLAND

POLICE DEPARTMENT

550 CRESCENT ROAD, GREENBELT, MD 20770

Richard Bowers
Chief of Police

To: Josue Salmeron, City Manager

From: Chief Richard Bowers

Date: March 7, 2024

Re: Red Light Photo Enforcement Program Contract Extension

The Greenbelt Police Department began a red-light camera enforcement program in 2002 as part of a partnership with other area police departments. This partnership was headed by the Howard County Police Department. Under this program, the Howard County Police Department manages the program and the city benefits at a lower cost than we would otherwise negotiate on our own.

The Police department is satisfied with the current partnership and needs to renew the contract with Howard County and Verra Mobility. Included in Council's packet is a copy of the agreement between Howard County and Verra Mobility

Staff recommends the Council authorize the Mayor to sign the referenced agreement for the red-light camera program.

AGREEMENT

THIS AGREEMENT (the "Agreement") is entered into as of the date of final execution hereof and effective (the "Effective Date") concurrently with that certain agreement entered into between American Traffic Solutions, Inc., doing business as Verra Mobility, ("Verra Mobility") and Howard County, Maryland (the "County") dated February 8, 2024 (the "Howard County Agreement"). This Agreement is entered into by and between the City of Greenbelt, Maryland, a municipal corporation of the State of Maryland ("Municipality"), and American Traffic Solutions, Inc., doing business as Verra Mobility, ("Verra Mobility").

WHEREAS, ATS has entered into the Howard County Agreement which provides for ATS and its agents and subcontractors to provide certain systems and services related to the County's enforcement of traffic laws and ordinances, as further specified in the Howard County Agreement (collectively, the "Services"); and,

WHEREAS, the Municipality and the County have entered into a Memorandum of Understanding ("MOU") regarding the operations and implementation of the Regional Automated Enforcement Center ("RAEC") Program; and,

WHEREAS, the Municipality desires Verra Mobility to provide Services to the Municipality subject to the terms and conditions contained in the County Agreement and the provisions herein; and,

NOW, THEREFORE, in consideration of the mutual covenants, warranties, representations, and conditions contained in the Howard County Agreement and in this Agreement, the parties hereto agree as follows:

1. Services. The parties agree that Verra Mobility will provide the Services to the Municipality pursuant to the terms and conditions of the Howard County Agreement.

2. Pricing and Billing. Pricing and invoicing shall be as set forth in the Howard County Agreement. All collections services shall continue without amendment as set forth in the Collections Services Amendment.

3. Term and Termination. This Agreement shall begin on the Effective Date. This Agreement shall terminate concurrently with the termination of the Howard County Agreement or upon the termination or expiration of the MOU.

4. Incorporations. Verra Mobility agrees to provide to the Municipality all of the options, rights, protections, entitlements, and indemnities afforded to the County in the Howard County Agreement, with the exception of Howard County Code Section 4.122.

5. Notice. Any notice required to be delivered shall be deemed to have been received when the notice has been sent by certified, return receipt, overnight carrier, or hand delivered to the following address and individual or such other address and/or such other individual a party may identify as a writing to the other party:

For the Municipality: ______________________________
____
____
____

For ATS: American Traffic Solutions, Inc.
1150 N. Alma School Rd.
Mesa, AZ 85201
Attn: Legal Department

6. Miscellaneous. This Agreement and any disputes relating thereto shall be governed under and construed according to the laws of the State of Maryland without regard to choice of law rules. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect.

IN WITNESS WHEREOF, authorized representatives of the parties have set forth their signatures below, intending to be legally bound.

AMERICAN TRAFFIC SOLUTIONS, INC.	GREENBELT, MARYLAND
By: ______________________	By: ______________________
Name Date	Mayor Date
Title	
	ATTEST:
	By: ______________________
	City Clerk Date

City Council Agenda Item Report

Meeting Date: March 11, 2024
Submitted by: Shaniya Lashley-Mullen
Submitting Department: Administration
Item Type: OTHER BUSINESS
Agenda Section: OTHER BUSINESS 60 minutes (8:45 - 9:45 pm)

Subject:
Legislative Bill Review

Suggested Action:

Reference:

CR-005-2024
SB0191
HB0282
HB0396
HB0398
HB0513/SB0479
HB0601/SB0442
HB0924/SB1126
HB1059
HB0735

CR-005-2024 -This legislation is pending before the Prince George’s County Council’s Health, Human Services and Public Safety (HHSPS) Committee, which may interest the City of Greenbelt. CR-005-2024 advocates for the establishment of a Commission providing reparations to African Americans descended from those previously enslaved in this State. In a tribute to Harriet Tubman’s legacy, the Prince George's County Council urges the General Assembly to create the Maryland Representatives Commission, embodying a commitment to justice and historical recognition. The Prince George's County Council calls upon the General Assembly to establish the Maryland Representatives Commission in the 2024 legislative session. It is recommended that the City Council support CR-005-2024.

SB0191, Prince George's County - Property Tax Credit - Public School Employees PG 503-24: Authorizing the governing body of Prince George's County to grant, by law, a property tax credit against the county property tax imposed on dwellings that are owned by certain eligible employees of the Prince George's County Public School System; providing for the maximum amount of the credit; requiring the Prince George's County government to submit a certain report concerning the credit to certain persons on or before a certain date; applying the Act to all taxable years beginning after June 30, 2024; etc. Council direction is sought.

HB0282, Speed Monitorying Systems - Agencies - Statements and Certificates of Violations: This bill authorizes a technician employed by an agency (rather than only a duly authorized law enforcement officer) to (1) sign a statement in a citation alleging a speed monitoring system violation and (2) swear to or affirm (for evidentiary reasons) that a speed monitoring system violation occurred (after inspection of a recorded image). It is recommended that the City Council support HB0282.

HB0396, Prince George's County - Sales and Use Tax on Energy and Fuel - Use of Revenue PG 407-24: This bill enables the Prince George's County government to use the proceeds from the local sales and use tax on energy and fuel to meet the State funding requirements for the local school system under the maintenance of effort (MOE) requirement and local share provision. Under current law, the revenue proceeds from the energy and fuel tax cannot be used to supplant local funding required under the MOE or local share provision. The bill takes effect July 1, 2024. It is recommended that the City Council support HB0396.

HB0398, Prince George's County - Sales and Use Tax on Telecommunications Services - Use of Revenue PG 406-24: This bill enables the Prince George's County government to use the proceeds from the local sales and use tax on telecommunications services to meet the State funding requirements for the local school system under the maintenance of effort (MOE) requirement and local share provision. Under current law, revenue proceeds from the telecommunications tax cannot be used to supplant local funding required under the MOE or local share provision. The bill takes effect July 1, 2024. It is recommended that the City Council support HB0398.

HB0513/SB0479, Motor Vehicles - Work Zone Speed Control Systems - Revisions (Maryland Road Worker Protection Act of 2024): This Administration bill makes changes to the State's work zone speed control systems (work zone speed cameras) program. Specifically, the bill (1) increases civil penalties for violations captured by work zone speed cameras; (2) alters the distribution of the revenues collected from these penalties; (3) makes several clarifying, conforming, and technical changes to the program; and (4) establishes a reporting requirement for the State Highway Administration (SHA). The bill generally takes effect June 1, 2024; however, provisions establishing higher penalties for subsequent offenses take effect January 1, 2025. It is recommended that the City Council support HB0513/SB0479.

HB0601/SB0442, Street Racing and Exhibition Driving – Prohibited Acts, Enforcement, and Penalties: This bill increases penalties and points assessments for violations related to participation in racing or speed contests. The bill also establishes a statewide prohibition on exhibition driving on any highway or private property that is used for driving by the general public. By expanding application of an existing provision, the bill establishes a statewide prohibition on exhibition driving, racing, and other related activities in a special event zone. The bill takes effect June 1, 2024. It is recommended that the City Council support HB0601/SB0442.

HB0924/SB1126, Transportation – Regional Transportation Authorities: This bill establishes three regional transportation authorities, and related special funds, to prepare and implement regional congestion relief plans for the Baltimore region, the capital region, and the Southern Maryland region, as those regions are defined in the bill. The bill specifies the duties and powers of each authority and requires each special fund to be used to finance transportation facilities in its respective region. By July 1, 2025, the Maryland Department of Transportation (MDOT), in consultation with the Comptroller, must report to the General Assembly on the feasibility of creating local-option transportation revenues for the purpose of raising funds to the provide revenue for the regional transportation authorities established by the bill. It is recommended that the City Council support HB0924/SB1126.

HB1059, Prince George's County - Qualifying Municipal Corporation - Land Use PG/MC 105-24: Authorizing a governing body of a qualifying municipal corporation by resolution to exercise the powers of the Prince George's County Planning Board, the zoning hearing examiner for Prince George's County, or the District Council for Prince George's County to make specified land use decisions; subjecting the exercise of those powers to the substantive and procedural requirements and standards established in the Prince George's County zoning ordinance; and providing for the judicial review of certain actions. Introduced in a prior session as: HB0892 Session: 2012 Regular Session. Council direction is sought.

HB0735, Maryland Beverage Container Recycling Refund and Litter Reduction Program Establishing the Maryland Beverage Container Recycling Refund and Litter Reduction Program to increase the reuse and recycling of beverage containers and reduce the litter, pollution, and costs associated with beverage containers; prohibiting a producer from selling, offering for sale, or distributing in or importing into the State a redeemable beverage container unless the producer is registered with the Department of the Environment, pays a certain fee, and is part of a certain stewardship organization; etc. It is recommended that the City Council support HB0735.

Attachments:
CR-005-2024 Commission on Reparations.pdf
SB0191.pdf
HB0282.pdf
HB0396.pdf
HB0398.pdf
HB0513.pdf
HB0601.pdf

HB0924.pdf
HB0735.pdf

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2024 Legislative Session

Resolution No. CR-005-2024

Proposed by Council Members Fisher and Oriadha

Introduced by Council Members Fisher, Oriadha, Ivey, Blegay, Watson, Olson, Burroughs, Harrison, Hawkins, Dernoga and Franklin

Co-Sponsors

Date of Introduction February 13, 2024

RESOLUTION

A RESOLUTION concerning

Commission on Reparations

For the purpose of highlighting the County Council's encouragement and strong support for the creation of a commission on providing reparations to African American descendants of those previously enslaved in this State; appealing to the General Assembly to create the Maryland Representations Commission in remembrance of Harriet Tubman; and to have the General Assembly establish the Maryland Representations Commission during the 2024 legislative session.

WHEREAS, the American dream lies the idea that all people are created equal and gives them the right to life, liberty, the pursuit of happiness, and that the government will protect those rights; and

WHEREAS, the American dream purports that the proper amount of hard work, diligence, and determination will lead to prosperity; and

WHEREAS, those individuals enslaved and exploited through the trans-Atlantic slave trade and their descendants have been denied their unalienable rights vested to them by the Declaration of Independence through anti-black housing, transportation, and business policies known as Jim Crow laws, which has stunted their wealth building opportunities; and

WHEREAS, the average white family has roughly eight-seven percent (87%) more wealth than the average African American family; and

WHEREAS, over sixty percent (60%) of the Prince George's County population are of African American origin; and

WHEREAS, by joint resolution in 2007 the State of Maryland acknowledged its role in the trans-Atlantic slave trade and expressed its profound regret for its role in instituting and maintaining the institution of slavery (HJ 4); and

WHEREAS, the Maryland Reparations Commission - Establishment (Harriet Tubman Community Investment Act) was introduced in the Maryland House of Delegates during the 2020 legislative session (HB1201), the 2021 legislative session (HB0121), the 2022 legislative session (HB 0594), the 2023 legislative session (HB0409 and HB0875), but unfortunately did not make it out of committee in either of the aforementioned years; and

WHEREAS, the United States has given reparations to other ethnic groups to redress harms suffered by the groups as a whole with Native Americans receiving land and billions of dollars for various benefits and programs for being forcibly exiled from their native land, Japanese Americans received one and a half billion dollars ($1,500,000,000) for being robbed of their homes, jobs, rights, and incarcerated in internment camps during World War II, slave owners in the District of Columbia for the manumitting of those they enslaved (District of Columbia Compensated Emancipation Act); and

WHEREAS, African Americans are the only group that has yet to receive recompense for the atrocities their ancestors suffered from the trans-Atlantic slave trade.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland expresses its strong support and wholehearted endorsement of the Maryland Reparations Commission - Establishment (Harriet Tubman Community Investment Act).

BE IT FURTHER RESOLVED that the County Council of Prince George's County, Maryland implores the General Assembly and in particular the Legislative Black Caucus of Maryland to introduce the Maryland Reparations Commission - Establishment (Harriet Tubman Community Investment Act) during the 2024 legislative session.

BE IT FURTHER RESOLVED that the County Council of Prince George's County, Maryland calls on the General Assembly to enact the Maryland Reparations Commission - Establishment (Harriet Tubman Community Investment Act) during the 2024 legislative session.

BE IT FURTHER RESOLVED that the Maryland Reparations Commission - Establishment (Harriet Tubman Community Investment Act) contain at a minimum the following:

(a) that the Maryland Reparations Commission develop and administer a program for the delivery of compensatory benefits to the descendants of individuals enslaved in the State;

(b) that the Maryland Reparations Commission provide that any individual whose ancestors were enslaved in the State is eligible to receive benefits administered by the Commission;

(c) that the Maryland Reparations Commission requires State agencies to assist the Commission in certain manners it (i.e. Commission) deems appropriate;

(d) that the Maryland Reparations Commission be required to pay certain cash sums to certain applicants and to reimburse certain applicants for certain tuition payments;

(e) that the Maryland Reparations Commission requires cooperation with banking institutions and State agencies to assist any applicant determined to be a descended from individuals enslaved in the State in applying for and receiving loans with low collateral and interest rates;

(f) that the Maryland Reparations Commission requires cooperation with banking institutions to assist any applicant determined to be a descended from individuals enslaved in the State in applying for and receiving mortgages with low interest rates; and

(g) that the Governor include in the annual budget bill an appropriation in an amount sufficient to carry out the requirements of the Maryland Reparations Commission.

Adopted this _____ day of _____________ , 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: ___________________________________
Jolene Ivey
Chair

ATTEST:

____
Donna J. Brown
Clerk of the Council

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 191 (Senator A. Washington)
Budget and Taxation Ways and Means

Prince George's County - Property Tax Credit - Public School Employees
PG 503-24

This bill authorizes Prince George's County to provide a real property tax credit against the dwelling of an eligible employee of the Prince George's County Public School System (PGCPS) who purchases a home after relocating to the county. **The bill takes effect June 1, 2024, and applies to taxable years beginning after June 30, 2024.**

Fiscal Summary

State Effect: None.

Local Effect: Prince George's County property tax revenues decrease beginning in FY 2025 to the extent the property tax credit is granted. The amount of the revenue decrease depends on the number of eligible homeowners, the taxable assessment of each eligible property, the amount of each property tax credit that is granted, and the county property tax rate. County expenditures are not directly affected.

Small Business Effect: None.

Analysis

Bill Summary: Prince George's County may grant, by law, a property tax credit against the county property tax imposed on a dwelling that is owned by an eligible employee who did not reside in the county before purchasing the dwelling for which the credit is claimed and is otherwise eligible for the homestead property tax credit. The amount of the property tax credit may not exceed the lesser of $2,500 or the amount of the property tax imposed on the dwelling.

Prince George's County may establish (1) the amount of the property tax credit; (2) the duration of the property tax credit; (3) additional eligibility requirements for eligible employees to qualify for the property tax credit; (4) procedures for the application and uniform processing of requests for the property tax credit; and (5) any other provision necessary to carry out the property tax credit.

On or before the date that is five years after the effective date of a local law passed by the Prince George's County Council that establishes the property tax credit, the Prince George's County government must submit a report to the Prince George's County Delegation, the Prince George's County Senators, the Prince George's County Council, and the Prince George's County Executive that states the number of PGCPS employees who received the tax credit in the preceding five years.

An eligible employee is defined as an employee of PGCPS who has been a full-time employee for at least two years and owns a dwelling in the county. An eligible employee does not include individuals who supply goods or services to PGCPS on a contractual basis.

Current Law: None applicable.

Local Fiscal Effect: Prince George's County property tax revenues decrease beginning in fiscal 2025 to the extent the property tax credit is granted. The amount of the revenue decrease depends on the number of eligible homeowners, the taxable assessment of each eligible property, the amount of each property tax credit that is granted, and the county property tax rate.

As a point of reference, the Maryland State Department of Education indicates that as of October 2022, PGCPS had 17,880 employees. The Prince George's County real property rate for fiscal 2024 is $1.374 per $100 of assessment. In fiscal 2023, the median residential sales price in Prince George's County was $430,000.

Additional information on local property tax rates and revenues can be found in the *County Revenue Outlook Report – Fiscal 2024*. A copy of the report is available on the Department of Legislative Services website.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Prince George's County; State Department of Assessments and Taxation; Maryland State Department of Education; Prince George's County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - January 23, 2024
km/hlb Third Reader - February 21, 2024

Analysis by: Michael D. Sanelli

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

HB 282

Department of Legislative Services

Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 282 (Delegate Kerr)
Environment and Transportation

Speed Monitoring Systems - Agencies - Statements and Certificates of Violations

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This bill authorizes a technician employed by an agency (rather than only a duly authorized law enforcement officer) to (1) sign a statement in a citation alleging a speed monitoring system violation and (2) swear to or affirm (for evidentiary reasons) that a speed monitoring system violation occurred (after inspection of a recorded image).

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: In some jurisdictions, administrative efficiencies are realized, which may result in savings, as discussed below. However, the bill is generally not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under current law, for purposes of speed monitoring systems implementation, an "agency" means:

- a law enforcement agency of a local political subdivision that is authorized to issue a citation for a violation of the Maryland Vehicle Law or of local traffic laws or regulations; or
- for a municipal corporation that does not maintain a police force, an agency established (or designated) by the municipal corporation to implement speed monitoring systems.

Under current law, a citation mailed to a person whose vehicle was recorded by a speed monitoring system must include specified information, including a copy of the recorded image and a signed statement by a *duly authorized law enforcement officer* employed by, or under contract with, an agency that, based on an inspection of recorded images, the motor vehicle was being operated in violation of a speed restriction. The bill expands this provision by specifying that the statement may instead be signed *by a technician* employed by an agency.

Under current law, a certification alleging that a violation occurred, sworn to or affirmed by *a duly authorized law enforcement officer* employed by (or under contract with) an agency, based on the inspection of a recorded image produced by a traffic control device monitoring system, is evidence of the facts contained in the certificate and is admissible in any proceeding concerning the alleged violation. The bill expands this provision by specifying the certificate may instead be sworn to or affirmed *by a technician* employed by an agency.

Local Expenditures: Annapolis and Baltimore City advise the bill may result in cost savings, as law enforcement officers may be redirected to other duties under the bill once technicians are authorized to perform the same functions. Baltimore City anticipates cost savings totaling several hundred thousand dollars annually, as relying on technicians to review violations (as opposed to solely relying on law enforcement officers) may result in reduced overtime expenses for law enforcement officers.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 139 of 2023.

Designated Cross File: None.

Information Source(s): Baltimore City; Howard and Prince George's counties; Maryland Association of Counties; City of Annapolis; Maryland Municipal League; Comptroller's Office; Judiciary (Administrative Office of the Courts); Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2024
km/ljm

Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

Department of Legislative Services

Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 396 (Prince George's County Delegation)
Ways and Means

Prince George's County - Sales and Use Tax on Energy and Fuel - Use of Revenue
PG 407-24

This bill enables the Prince George's County government to use the proceeds from the local sales and use tax on energy and fuel to meet the State funding requirements for the local school system under the maintenance of effort (MOE) requirement and local share provision. Under current law, the revenue proceeds from the energy and fuel tax cannot be used to supplant local funding required under the MOE or local share provision. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: None.

Local Effect: Prince George's County expenditures (local appropriation) for the county school system may decrease by \$53.2 million in FY 2025 and by \$64.7 million in FY 2029. County revenues are not affected.

Small Business Effect: None.

Analysis

Current Law:

Use of Energy and Fuel Tax Revenue

The net proceeds of the energy and fuel taxes in Prince George's County may only be used for funding of (1) specified public ethics provisions or (2) the following public education budget categories: instructional salaries; instructional materials and related costs; special education; and fixed charges.

For each fiscal year, Prince George's County must appropriate local money to the school operating budget in an amount not less than the sum of (1) the excess of the amount of the projected revenue for the fiscal year from the energy and fuel tax over the projected revenue from the tax for the prior fiscal year and (2) the amount of local money that Prince George's County is required by State law to appropriate to the school operating budget.

Maintenance of Effort and Local Share

Each year, the county government (including Baltimore City) is required to appropriate funds to the local board of education equivalent to the greater of the MOE requirement or the local share amount of all wealth-equalized formulas. The per pupil MOE amount is based upon the greater of (1) the prior year full-time equivalent (FTE) enrollment and (2) the three-year moving average of FTE enrollment. (There is a certain adjustment for fiscal 2024 MOE for specified counties.) The local share amount equals the local share of the foundation formula, compensatory education, English language learner, special education, comparable wage index, full-day prekindergarten, college and career ready, transitional supplemental instruction (through fiscal 2026), and career ladder grant programs. Also, counties that benefit from the compensatory education State funding floor are required to fund the local share of the concentration of poverty grant programs. However, for some counties, the combined local share across these several programs is subject to adjustments.

Local Fiscal Effect: The Prince George's County government must provide the local school system with an annual local appropriation that at least equals the MOE or the local share amount. In fiscal 2025, the county MOE amount is projected to total $872.1 million, and the local share amount is projected to total $909.1 million. In addition, the Prince George's County government is required to provide the local school system with a specified portion of both the energy/fuel tax and the telecommunications tax. In fiscal 2025, the energy/fuel tax payment is projected to total $53.2 million, and the telecommunications tax payment is projected to total $13.1 million. Under current law, the required payments from both taxes cannot be counted toward the local appropriation amount under the MOE and local share provisions. The payments are made in addition to the required county MOE and local share funding amounts.

Under the bill, the energy/fuel tax payment can be used by the county government to cover a portion of the required local appropriation under the MOE and local share provisions. As a result, this may result in a reduction in county funding for the local school system as shown in **Exhibit 1**.

Exhibit 1
Prince George's County Funding Requirement for the Local School System
($ in Millions)

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Current Law					
Local Share Provision	$909.1	$949.9	$979.8	$1,006.2	$1,041.9
Energy Tax	53.2	55.9	58.7	61.6	64.7
Telecommunications Tax	13.1	13.8	14.5	15.2	16.0
Total Funding	**$975.5**	**$1,019.5**	**$1,052.9**	**$1,083.0**	**$1,122.6**
Under the Bill					
Local Share Provision	$909.1	$949.9	$979.8	$1,006.2	$1,041.9
Telecommunications Tax	13.1	13.8	14.5	15.2	16.0
Total Funding	**$922.3**	**$963.7**	**$994.2**	**$1,021.4**	**$1,057.9**
Difference	**($53.2)**	**($55.9)**	**($58.7)**	**($61.6)**	**($64.7)**

Note: Numbers may not sum to total due to rounding.

Source: Department of Legislative Services

Additional information on State and local funding for local school systems is provided in the Local Government Overview Report. A copy of the report is available on the Department of Legislative Services website.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Prince George's County; Comptroller's Office; Prince George's County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2024
km/hlb

Analysis by: Michael D. Sanelli

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

HB 398

Department of Legislative Services

Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 398 (Prince George's County Delegation)
Ways and Means

Prince George's County - Sales and Use Tax on Telecommunications Services - Use of Revenue
PG 406-24

This bill enables the Prince George’s County government to use the proceeds from the local sales and use tax on telecommunications services to meet the State funding requirements for the local school system under the maintenance of effort (MOE) requirement and local share provision. Under current law, revenue proceeds from the telecommunications tax cannot be used to supplant local funding required under the MOE or local share provision. **The bill takes effect July 1, 2024**.

Fiscal Summary

State Effect: None.

Local Effect: Prince George’s County expenditures (local appropriation) for the county school system may decrease by $13.1 million in FY 2025 and by $16.0 million in FY 2029. County revenues are not affected.

Small Business Effect: None.

Analysis

Current Law:

Use of Telecommunications Tax Revenue

At least 90% of the net proceeds of the tax revenue must be used for operating expenditures for the Prince George’s County Public School System. The remainder must be used for

(1) cash payments for capital expenditures for school renovation projects approved by the Prince George's County Board of Education and Prince George's County or (2) payment of debt service on bonds issued by the governing body of Prince George's County for school renovation projects approved by the Prince George's County Board of Education and Prince George's County.

The proceeds for the local school system may not be used to supplant any State aid for education provided to Prince George's County or any county funds provided to the local school system.

Maintenance of Effort and Local Share

Each year, the county government (including Baltimore City) is required to appropriate funds to the local board of education equivalent to the greater of the MOE requirement or the local share amount of all wealth-equalized formulas. The per pupil MOE amount is based upon the greater of (1) the prior year full-time equivalent (FTE) enrollment and (2) the three-year moving average of FTE enrollment. (There is a certain adjustment for fiscal 2024 MOE for specified counties.) The local share amount equals the local share of the foundation formula, compensatory education, English language learner, special education, comparable wage index, full-day prekindergarten, college and career ready, transitional supplemental instruction (through fiscal 2026), and career ladder grant programs. Also, counties that benefit from the compensatory education State funding floor are required to fund the local share of the concentration of poverty grant programs. However, for some counties, the combined local share across these several programs is subject to adjustments.

Local Fiscal Effect: The Prince George's County government must provide the local school system with an annual local appropriation that at least equals the MOE or the local share amount. In fiscal 2025, the county MOE amount is projected to total $872.1 million, and the local share amount is projected to total $909.1 million. In addition, the Prince George's County government is required to provide the local school system with a specified portion of both the energy/fuel tax and the telecommunications tax. In fiscal 2025, the energy/fuel tax payment is projected to total $53.2 million and the telecommunications tax payment is projected to total $13.1 million. Under current law, the required payments from both taxes cannot be counted toward the local appropriation amount under the MOE and local share provisions. The payments are made in addition to the required county MOE and local share funding amounts.

Under the bill, the telecommunications tax payment can be used by the county government to cover a portion of the required local appropriation under the MOE and local share provisions. As a result, this may result in a reduction in county funding for the local school system as shown in **Exhibit 1**.

Exhibit 1
Prince George's County Funding Requirement for the Local School System
($ in Millions)

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Current Law					
Local Share Provision	$909.1	$949.9	$979.8	$1,006.2	$1,041.9
Energy Tax	53.2	55.9	58.7	61.6	64.7
Telecommunications Tax	13.1	13.8	14.5	15.2	16.0
Total Funding	**$975.5**	**$1,019.5**	**$1,052.9**	**$1,083.0**	**$1,122.6**
Under Bill					
Local Share Provision	$909.1	$949.9	$979.8	$1,006.2	$1,041.9
Energy Tax	53.2	55.9	58.7	61.6	64.7
Total Funding	**$962.4**	**$1,005.8**	**$1,038.4**	**$1,067.8**	**$1,106.6**
Difference	**-$13.1**	**-$13.8**	**-$14.5**	**-$15.2**	**-$16.0**

Source: Department of Legislative Services

Additional information on State and local funding for local school systems is provided in the Local Government Overview Report. A copy of the report is available on the Department of Legislative Services website.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Prince George's County; Comptroller's Office; Prince George's County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2024
rh/hlb

Analysis by: Michael D. Sanelli

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

HB 513

Department of Legislative Services

Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 513 (The Speaker, *et al.*) (By Request - Administration)
Environment and Transportation

Motor Vehicles - Work Zone Speed Control Systems - Revisions (Maryland Road Worker Protection Act of 2024)

This Administration bill makes changes to the State's work zone speed control systems (work zone speed cameras) program. Specifically, the bill (1) increases civil penalties for violations captured by work zone speed cameras; (2) alters the distribution of the revenues collected from these penalties; (3) makes several clarifying, conforming, and technical changes to the program; and (4) establishes a reporting requirement for the State Highway Administration (SHA). **The bill generally takes effect June 1, 2024; however, provisions establishing higher penalties for subsequent offenses take effect January 1, 2025.**

Fiscal Summary

State Effect: Likely no effect in FY 2024. Special fund revenues increase by $32.3 million in FY 2025, reflecting the total additional prepaid fine revenue collected by the Transportation Trust Fund (TTF) (of that amount, $25.9 million is retained for SHA and $6.4 million is disbursed to and received by the Department of State Police (DSP) as special funds). Special fund expenditures increase by $4.2 million in FY 2025, which reflects the increase in administrative costs for both SHA and DSP (but does not account for the required disbursement to DSP as a TTF expenditure). Out-years reflect full implementation and greater compliance. Remaining special fund prepaid fine revenue may be used by SHA and DSP for authorized purposes; such spending is not shown below, but the reliance on general fund expenditures for DSP may be mitigated somewhat. General fund revenue increases due to higher penalty provisions and additional contested cases in District Court.

($ in millions)	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
GF Revenue	-	-	-	-	-
SF Revenue	$32.3	$61.3	$50.7	$41.6	$33.9
GF Expenditure	(-)	(-)	(-)	(-)	(-)
SF Expenditure	$4.2	$4.4	$4.4	$4.4	$4.4
Net Effect	$28.1	$56.9	$46.3	$37.2	$29.5

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: The Administration has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary:

Civil Penalties and Revenue Distribution

Effective June 1, 2024, the bill increases the maximum civil penalty for work zone speed camera violations from $40 to $290. However, effective January 1, 2025, the bill sets the maximum civil penalties for work zone speed camera violations at (1) $290 for a *first or second offense* in a calendar year and (2) $1,000 for a *third or subsequent* offense in a calendar year. Additionally, notice of the increased maximum civil penalty applicable for a third or subsequent offense in the same calendar year must be included on a citation mailed to a liable owner.

Effective June 1, 2024, the bill alters the distribution of the revenues collected from work zone speed camera systems so that, after the initial distribution to cover the costs of implementing and administering work zone speed control systems, only 25% of the remaining balance, instead of the entire remaining balance, is distributed to DSP for specified vehicle and equipment costs. The bill requires the other 75% of the remaining balance to be distributed to TTF for highway and work zone safety purposes instead.

Reporting Requirement

By December 1, 2024 (and annually thereafter), SHA must report to the Governor and the General Assembly (1) on any pilot program that SHA conducted in the previous fiscal year that tests new technologies for detecting and recording work zone speed camera violations or (2) that SHA did not conduct any such pilot program in the previous fiscal year. A report must include information on (1) how data collected from the device tested may be used for the enforcement of work zone speed camera violations and (2) any legislative or regulatory changes that would be necessary to authorize the effective use of the device.

Clarifying and Technical Changes

The bill makes several clarifying and technical changes to existing provisions governing the use of work zone speed cameras, including specifying that:

- a work zone speed control system may be manned or unmanned;
- a work zone speed control system operator does not need to be present in person or remotely at the highway work zone when a work zone speed control system is in use;
- multiple work zone speed control systems may be implemented and used in a work zone; and
- if a work zone has more than one work zone speed control system in use, only one citation within a one-hour period may be issued for the same registration plate for a violation in the work zone.

Current Law: Chapter 500 of 2009 authorized the use of work zone speed control systems in the State.

Unless the driver of a motor vehicle received a citation from a police officer at the time of the violation, the owner or driver of the vehicle is subject to a civil penalty if the vehicle is recorded speeding at least 12 miles per hour above the posted speed limit by a speed monitoring system in violation of specified speed restrictions in the Maryland Vehicle Law. The maximum fine for a citation issued by a speed monitoring system operator is $40. However, a local law enforcement or other designated agency operating the speed monitoring system may mail a warning notice instead of a citation.

Revenue from the civil fines collected through use of work zone speed cameras must be distributed first to DSP and SHA to cover the costs of implementing and administering work zone speed cameras. Any remaining amounts must be distributed to DSP to be used only for the purchase of replacement vehicles and related motor vehicle equipment used to outfit police vehicles.

Background: The Maryland Department of Transportation (MDOT) notes that the bill is a result of recommendations made by the Governor's Work Zone Safety Work Group in a November 2023 report. The workgroup, created in response to a spike in roadway fatalities following the COVID-19 pandemic and a March 2023 incident in which six roadway workers were killed, was charged with making recommendations to enhance work zone safety and protect roadway workers and law enforcement personnel from harm.

State Revenues:

Maryland Department of Transportation and Department of State Police

MDOT advises that, in fiscal 2023, 335,888 citations were issued for work zone speed camera violations, resulting in approximately $9.7 million in prepaid fine revenues. Although the maximum penalty for work zone speed camera violations is $40, the average revenue received per citation ($28.80) is less than the maximum penalty due to various judicial factors (*e.g.*, contested, reduced, and absolved citations).

Of this $9.7 million, MDOT reports that SHA and DSP received approximately $8.0 million to cover implementation and administrative costs (approximately $1.24 million for DSP and $6.74 million for SHA). The remaining $1.7 million and an additional $446,990 (which was a carryover from the previous fiscal year) was also distributed to DSP in fiscal 2023 for the purchase of replacement vehicles and related motor vehicle equipment used to outfit police vehicles. MDOT advises that this volume of citations and amount of prepaid fine revenue have been relatively constant in recent years; thus, for purposes of this analysis, it is assumed that the volume of citations and resultant prepaid fine revenue would continue to remain constant in future fiscal years in the absence of the bill.

Under the bill, MDOT expects the number of citations to increase significantly due to deployment of additional systems. Although the authorization for a higher maximum penalty takes effect June 1, 2024, MDOT advises that it does not expect the penalty to be raised above the current level of $40 until January 1, 2025, to allow time and planning for additional speed camera deployments and implementation of new technologies.

Exhibit 1 shows the estimated total volume of citations anticipated for each fiscal year and prepaid fine revenue collected from those citations under the bill. The estimate assumes a higher penalty is in place for the second half of fiscal 2025 (beginning January 1, 2025); subsequent years assume collection of, on average, $208.82 (or 72.01%) of the maximum fine. Additionally, MDOT assumes citations decrease by about 15% each year as drivers become more aware of both the higher penalty for a violation and additional cameras being in use. MDOT reports that, in fiscal 2022, less than 10% of all violations issued were for second or subsequent offenses, with about 2.1% of all violators receiving three or more citations.

Exhibit 1
Total Estimated Citations and Prepaid Fine Revenue under the Bill
Fiscal 2025-2029

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Citations	400,000	340,000	289,000	245,650	208,803
Prepaid Fine Revenue	$41,964,358	$70,999,359	$60,349,455	$51,297,037	$43,602,481

Source: Maryland Department of Transportation; Department of Legislative Services

Exhibit 2 shows the *total* prepaid fine revenue and the related distribution anticipated for SHA and DSP under the bill, based on the assumptions discussed above for Exhibit 1.

Exhibit 2
Distribution of Prepaid Fine Revenue under the Bill to
The Department of State Police and State Highway Administration
Fiscal 2025-2029
($ in Millions)

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Total Revenue	**$42.0**	**$71.0**	**$60.3**	**$51.3**	**$43.6**
Cost Recovery	**$12.2**	**$12.4**	**$12.4**	**$12.4**	**$12.4**
DSP	*1.9*	*1.9*	*1.9*	*1.9*	*1.9*
SHA	*10.3*	*10.5*	*10.5*	*10.5*	*10.5*
Remainder	**$29.8**	**$58.6**	**$48.0**	**$38.9**	**$31.2**
DSP (25%)	*7.4*	*14.7*	*12.0*	*9.7*	*7.8*
SHA (75%)	*22.3*	*44.0*	*36.0*	*29.2*	*23.4*
DSP Total	**$9.3**	**$16.5**	**$13.9**	**$11.6**	**$9.7**
SHA Total	**$32.7**	**$54.5**	**$46.5**	**$39.7**	**$33.9**

DSP: Department of State Police
SHA: State Highway Administration

Notes: Numbers may not sum to total due to rounding. Administrative and related implementation costs are assumed to increase in fiscal 2025 and remain relatively stable throughout the period covered by this fiscal and policy note.

Source: Maryland Department of Transportation; Department of Legislative Services

Exhibit 3 shows the estimated *net* increase in revenue for SHA and DSP under the bill. In addition to less revenue from prepaid fines, current law projections generally assume lower administrative costs for SHA and DSP compared to those under the bill.

Of note, as MDOT collects all prepaid fine revenue directly and disburses funding to DSP, TTF revenues increase by the entire $32.3 million in fiscal 2025 (the share retained by SHA is $25.9 million). After administrative cost recovery for both DSP and SHA, under the bill, 25% of the remainder of prepaid fine revenue is also disbursed to DSP. Although the bill takes effect June 1, 2024, this analysis assumes the distribution of prepaid fine revenue is not affected in fiscal 2024.

Exhibit 3
Estimated Increase in Prepaid Fine Revenue, by Distribution, under the Bill
Fiscal 2025-2029
($ in Millions)

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Current Law	**$9.7**	**$9.7**	**$9.7**	**$9.7**	**$9.7**
DSP	*2.9*	*2.9*	*2.9*	*2.9*	*2.9*
SHA	*6.7*	*6.7*	*6.7*	*6.7*	*6.7*
The Bill	**$42.0**	**$71.0**	**$60.3**	**$51.3**	**$43.6**
DSP	*9.3*	*16.5*	*13.9*	*11.6*	*9.7*
SHA	*32.7*	*54.5*	*46.5*	*39.7*	*33.9*
Increase	**$32.3**	**$61.3**	**$50.7**	**$41.6**	**$33.9**
DSP	***6.4***	***13.6***	***10.9***	***8.7***	***6.7***
SHA	***25.9***	***47.7***	***39.8***	***33.0***	***27.2***

DSP: Department of State Police
SHA: State Highway Administration

Notes: Numbers may not sum to total due to rounding. The $6.4 million in increased revenue distributed to DSP is also assumed to be received as special funds.

Source: Maryland Department of Transportation; Department of Legislative Services

District Court

Under the bill, the number of citations issued in work zones is expected to increase significantly. Additionally, due to the higher fine amount, a greater percentage of individuals is expected to contest citations. As a result, the number of trials in the District Court is likely to increase, potentially significantly. Accordingly, general fund revenues increase, as fine revenues paid by individuals convicted in District Court are paid into the general fund. Even so, the increase in District Court caseloads can likely be handled with existing resources.

Motor Vehicle Administration Flag Fees

TTF revenues likely increase further due to flag fees placed on the registrations of individuals who fail to pay a citation.

State Expenditures: Administrative costs to operate the work zone speed camera program under current law are estimated at approximately $1.2 million annually for DSP and $6.7 million annually for SHA. **Exhibit 4** shows the estimated increase in expenditures for administration of the program with more systems deployed as allowed under the bill.

Exhibit 4
Estimated Increase in Implementation Expenditures under the Bill
Fiscal 2025-2029
($ in Millions)

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Current Law	**$8.0**	**$8.0**	**$8.0**	**$8.0**	**$8.0**
DSP	*1.2*	*1.2*	*1.2*	*1.2*	*1.2*
SHA	*6.7*	*6.7*	*6.7*	*6.7*	*6.7*
The Bill	**$12.2**	**$12.4**	**$12.4**	**$12.4**	**$12.4**
DSP	*1.9*	*1.9*	*1.9*	*1.9*	*1.9*
SHA	*10.3*	*10.5*	*10.5*	*10.5*	*10.5*
Net Increase	**$4.2**	**$4.4**	**$4.4**	**$4.4**	**$4.4**
DSP	***0.6***	***0.6***	***0.6***	***0.6***	***0.6***
SHA	***3.6***	***3.8***	***3.8***	***3.8***	***3.8***

DSP: Department of State Police
SHA: State Highway Administration

Notes: Numbers may not sum to total due to rounding. Administrative and related implementation costs are assumed to increase in fiscal 2025 and remain relatively stable throughout the period covered by this fiscal and policy note.

Source: Maryland Department of Transportation; Department of Legislative Services

These expenditures reflect additional administrative costs (which may include additional staff and other operating expenses) to expand the work zone speed camera program by deploying additional systems. These costs are fully offset by the significant increase in special fund revenues anticipated for both DSP and SHA. Otherwise, these expenditures reflect the minimum amount required to be spent by the agencies under the bill, leaving millions of dollars available to be used by both agencies for authorized purposes as shown in **Exhibit 5**.

Exhibit 5
Additional Funding Available for Expenditure under the Bill
Fiscal 2025-2029
($ in Millions)

	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Net New Revenue	**$32.3**	**$61.3**	**$50.7**	**$41.6**	**$33.9**
DSP	*6.4*	*13.6*	*10.9*	*8.7*	*6.7*
SHA	*25.9*	*47.7*	*39.8*	*33.0*	*27.2*
Used for Increased Costs	**$4.2**	**$4.4**	**$4.4**	**$4.4**	**$4.4**
DSP	*0.6*	*0.6*	*0.6*	*0.6*	*0.6*
SHA	*3.6*	*3.8*	*3.8*	*3.8*	*3.8*
Residual Available	**$28.1**	**$56.9**	**$46.3**	**$37.2**	**$29.5**
DSP	***5.8***	***13.0***	***10.3***	***8.0***	***6.1***
SHA	***22.3***	***44.0***	***36.0***	***29.2***	***23.4***

DSP: Department of State Police
SHA: State Highway Administration

Notes: Numbers may not sum to total due to rounding. Administrative and related implementation costs are assumed to increase in fiscal 2025 and remain relatively stable throughout the period covered by this fiscal and policy note.

Source: Maryland Department of Transportation; Department of Legislative Services

For example, for fiscal 2025, special fund expenditures for DSP may further increase by up to as much as another $5.8 million (reflecting the balance of the $6.4 million increase in DSP's share of projected prepaid fine revenue) for vehicle and equipment upgrades. Likewise, TTF expenditures for SHA may increase by as much as another $22.3 million (reflecting the balance of the $25.9 million increase in projected prepaid fine revenue retained by SHA) for highway improvements and work zone safety upgrades.

For DSP, the availability of additional revenue may reduce the need for general funds in future fiscal years – for the vehicle replacement and related outfitting of motor vehicles. (This analysis assumes the monies received by DSP are treated as special funds and may be retained by DSP rather than revert to the general fund if not expended at year-end.) However, any such impact depends on other factors, such as the cost and replacement schedule of vehicles, and has not been quantified. Similarly, the availability of additional revenue for SHA may allow existing projects to be enhanced or accelerated or more projects to be undertaken.

For purposes of this analysis, the required disbursement to DSP (cost recovery and 25% of the remainder, estimated to total $6.4 million in fiscal 2025) is not treated as a TTF expenditure.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 479 (The President, *et al.*) (By Request - Administration) - Judicial Proceedings.

Information Source(s): Comptroller's Office; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; National Transportation Safety Board; Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2024
rh/ljm

Analysis by: Eric F. Pierce and Richard L. Duncan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: **Motor Vehicles - Work Zone Speed Control Systems - Revisions (Maryland Road Worker Protection Act of 2024)**

BILL NUMBER: HB0513

PREPARED BY: Lt. Governor's Office

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

_**X**__ WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

___ WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

Department of Legislative Services

Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 601 (Delegate Lehman, *et al.*)
Environment and Transportation

Street Racing and Exhibition Driving – Prohibited Acts, Enforcement, and Penalties

This bill increases penalties and points assessments for violations related to participation in racing or speed contests. The bill also establishes a statewide prohibition on exhibition driving on any highway or private property that is used for driving by the general public. By expanding application of an existing provision, the bill establishes a statewide prohibition on exhibition driving, racing, and other related activities in a special event zone. **The bill takes effect June 1, 2024.**

Fiscal Summary

State Effect: Minimal increase in general fund revenues and potential minimal increase in general fund expenditures due to the bill's penalty provisions beginning in FY 2025. Transportation Trust Fund (TTF) revenues are not materially affected; the Motor Vehicle Administration (MVA) can implement the bill with existing resources. The Judiciary can handle the increased workload with existing resources. Enforcement can be handled with existing resources.

Local Effect: Potential minimal increase in expenditures due to the bill's penalty provisions. Any changes to enforcement can be absorbed within existing resources. The bill is not anticipated to materially affect local revenues.

Small Business Effect: Potential minimal.

Analysis

Bill Summary/Current Law: With the exception of offenses in a special event zone, **Exhibit 1** contains a summary of the bill's changes to existing penalties for offenses related to participation in racing or speed contests as well as the penalties for the new prohibitions established by the bill related to exhibition driving.

Exhibit 1
Comparison of Maximum Fines, Points Assessments, and Terms of Imprisonment Under Current Law and the Bill Related to Racing or Speed Contests and Exhibition Driving (Does Not Include Special Event Zone Offenses)

	Fine		Points Assessed		Possible Term of Imprisonment	
Violation	**Current Law**	**The Bill**	**Current Law**	**The Bill**	**Current Law**	**The Bill**
Driving in a race or speed contest (general)	Up to $500	Up to $1,000	5 points	8 points	n/a	Up to 60 days
Driving in a race or speed contest (if serious bodily injury to another occurs)	Up to $1,000	Up to $1,000	5 points	12 points	Up to 1 year	Up to 1 year
Participating in a race or speed contest as a timekeeper or flagman	Up to $500	Up to $500	5 points	8 points	n/a	n/a
*Engaging in exhibition driving (general)**	*n/a*	*Up to $1,000*	*n/a*	*8 points*	*n/a*	*Up to 60 days*
*Engaging in exhibition driving (if serious bodily injury to another occurs)**	*n/a*	*Up to $1,000*	*n/a*	*12 points*	*n/a*	*Up to 1 year*

* *Indicates new prohibition established by the bill.*

Note: Under current law, imprisonment is a possible penalty for driving in a race or speed contest only if serious bodily injury occurs. Because the bill establishes imprisonment as a possible penalty for all of the above offenses (except for participating in a race or speed contest as a timekeeper or flagman), prepayment (*i.e.*, admitting guilt and paying the fine without appearing in court) is no longer an option for those offenses, and a person cited for one of those offenses must appear in court.

Source: Department of Legislative Services

Racing and Speed Contests and Exhibition Driving **-** *General*

As shown in Exhibit 1, the bill alters several existing penalties and establishes new prohibitions related to exhibition driving. Specifically, the bill:

- increases the maximum fine for a driver's participation in a race or speed contest that does not result in serious bodily injury from $500 to $1,000 and subjects a violator to up to 60 days of imprisonment, thereby requiring a person cited to appear in court;
- increases, from 5 points to 8 points, the points MVA must assess against the driver's license of a participant in a race or speed contest (including as a timekeeper or flagman) that does not result in serious bodily injury;
- increases, from 5 points to 12 points, the points MVA must assess against the driver's license of a driver in a race or speed contest that results in serious bodily injury; and
- prohibits exhibition driving on a statewide basis and subjects violators to the same enhanced penalties as those established for drivers participating in race or speed contests (including for violations that result in serious bodily injury).

Exhibition Driving – General

The bill establishes a prohibition on exhibition driving on any highway or an any property that is used for driving by the public or in general. Under the bill, "exhibition driving" means the operation of a motor vehicle in close proximity to a crowd or gathering in a manner that intentionally results in two or more of the following:

- the excessive, abrupt acceleration or deceleration of the motor vehicle;
- the skidding, squealing, burning, or smoking of the tires of the motor vehicle;
- the swerving or swaying of the motor vehicle from side to side while skidding;
- the engine of the motor vehicle producing an unreasonably loud, raucous, or disturbing noise;
- the grinding of the gears or the backfiring of the engine of the motor vehicle;
- any of the wheels of the motor vehicle losing contact with the ground; or
- the transportation of a passenger on or in an area of a motor vehicle that is not designed or intended for passenger transport, such as the hood or roof.

The bill specifies that a court may consider two affirmative defenses raised by a person charged with exhibition driving. First, for a driver who caused the excessive, abrupt acceleration or deceleration of a motor vehicle or the skidding, squealing, burning, or smoking of the vehicle's tires, a court may consider it a defense that the driver acted in a reasonable manner for safety purposes. Second, a court may consider it a defense that a driver who transported a passenger on or in area of a vehicle not designed or intended for passenger transport was participating in a properly permitted parade at the time of the alleged violation.

Exhibition Driving, Racing, Etc. – Special Event Zone

Under current law, a person may not engage in specified activities within a "special event zone" in Worcester County, including exhibition driving; speeding; negligent driving; driving a motor vehicle in a race or speed contest that does not result in serious bodily injury; participating in a race or speed contest; or skidding, spinning of wheels, or causing excessive noise. A person convicted of exhibition driving in a special event zone in Worcester County must appear in court and is subject to a penalty of imprisonment for up to 60 days and/or a fine up to $1,000. MVA must assess one point for a violation or three points for a violation that contributes to an accident. A violation of any of the other prohibitions is subject to a $1,000 maximum fine; each of these violations is subject to its own points assessment and prepayment penalty.

The definition of "exhibition driving" under this existing provision is *similar* to the definition of exhibition driving described above. A "special event" is any automotive or motor vehicle event occurring on (or in close proximity to) a highway that (1) has been permitted or approved by a unit of local government or (2) is expected to have 1,000 or more individuals in attendance, regardless of whether the event has been permitted or approved by a unit of local government. A "special event zone" is an area on (or alongside) a highway that is appropriately marked by warning signs or traffic control devices. The State Highway Administration may, on its own initiative or at the request of a local authority, designate an area on a State highway in Worcester County as a special event zone. Likewise, a local authority in Worcester County may designate an area on a highway under its jurisdiction as a special event zone.

The bill expands application of these provisions and penalties statewide and makes clarifying changes. The affirmative defenses available under the general exhibition driving offense are available for a charge of exhibition driving within a special event zone.

State Revenues: General fund revenues increase minimally as a result of both the higher fines established by the bill and the establishment of new prohibitions. Though the bill increases the points assessed for specified offenses, which may result in changes in administrative actions taken by MVA against the driver's licenses of affected drivers, any such changes are not expected to materially affect TTF revenues. This analysis assumes that despite the bill's effective date, any increase in revenues will not occur until fiscal 2025.

As noted above, the bill increases the maximum fine for participation in a race or speed contest (as a driver) that does not result in serious bodily injury from $500 to $1,000. **Exhibit 2** shows citations and conviction data for this offense. Any increase in general fund revenues due to the bill's higher penalties for this offense is expected to be minimal due to the relatively small number of citations and convictions for the offense each year.

Exhibit 2
Citation and Conviction Data for Driving in a Race or Speed Contest

	Fiscal 2022		Fiscal 2023	
Violation	**Citations**	**Convictions**	**Citations**	**Convictions**
Driving in a race or speed contest (general)	197	64*	147	72*

* Of the 64 convictions in fiscal 2022, 36 defendants were found guilty at trial and 28 defendants prepaid (*i.e.*, admitted guilt and paid the fine without appearing in court); in fiscal 2023, 32 defendants were found guilty at trial, and 40 defendants prepaid.

Note: Under current law, imprisonment is not a possible penalty for driving in a race or speed contest (general). Because the bill establishes imprisonment as a possible penalty for that offense, a person cited for it must appear in court – prepayment is no longer permitted.

Source: Judiciary (Administrative Office of the Courts); Department of Legislative Services

The number of citations that may be issued for the new prohibitions (exhibition driving – general, exhibition driving within a special event zone (statewide), and the other statewide special event zone offenses) established by the bill cannot be determined at this time. However, the annual number of citations and convictions for these new prohibitions is not expected to be significant.

State Expenditures: Beginning in fiscal 2025, general fund expenditures may increase minimally as a result of the bill's establishment of new incarceration penalties due to more people being committed to State correctional facilities for convictions in Baltimore City. As noted above, the number of additional people convicted under the bill is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The Baltimore Pretrial Complex, a State-operated facility, is used primarily for pretrial detentions.

Local Expenditures: Expenditures may increase minimally as a result of the bill's new incarceration penalties. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. *Per diem* operating costs of local detention facilities have ranged from approximately $90 to $300 per incarcerated individual in recent years.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 208 and SB 147 of 2023 and SB 612 of 2022.

Designated Cross File: SB 442 (Senator Beidle, *et al.*) - Judicial Proceedings.

Information Source(s): Montgomery and Worcester counties; Town of Bel Air; Town of Leonardtown; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2024
rh/aad

Analysis by: Ralph W. Kettell

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

Department of Legislative Services

Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 924 (Delegate Spiegel, *et al.*)

Environment and Transportation and Appropriations

Transportation – Regional Transportation Authorities

This bill establishes three regional transportation authorities, and related special funds, to prepare and implement regional congestion relief plans for the Baltimore region, the capital region, and the Southern Maryland region, as those regions are defined in the bill. The bill specifies the duties and powers of each authority and requires each special fund to be used to finance transportation facilities in its respective region. By July 1, 2025, the Maryland Department of Transportation (MDOT), in consultation with the Comptroller, must report to the General Assembly on the feasibility of creating local-option transportation revenues for the purpose of raising funds to the provide revenue for the regional transportation authorities established by the bill.

Fiscal Summary

State Effect: General fund expenditures increase significantly, likely by at least millions or tens of millions of dollars annually, beginning as early as FY 2025, to pay the operating and administrative costs of the authorities and to capitalize the special funds. Authority special fund revenues and expenditures increase correspondingly as the three special funds receive the capitalization funds and use the funding for authorized purposes; special fund revenues may also increase from any fees or charges the authorities establish. Federal fund revenues and expenditures may also increase. Transportation Trust Fund (TTF) expenditures may increase minimally only in FY 2025 to complete the required report.

Local Effect: Local government finances may be affected, as discussed below.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary:

Regions Defined

"Baltimore region" means Anne Arundel and Baltimore counties and Baltimore City. "Capital region" means Frederick, Montgomery, and Prince George's counties. "Southern Maryland region" means Calvert, Charles, and St. Mary's counties.

Establishment, Purpose, and Staffing

The bill establishes the following regional transportation authorities and their respective purposes:

- the Baltimore Region Transportation Authority (BRTA), to prepare and implement a regional congestion relief plan for the Baltimore region;
- the Capital Region Transportation Authority (CRTA), to prepare and implement a congestion relief plan for the capital region; and
- the Southern Maryland Transportation Authority (SMTA), to prepare and implement a congest relief plan for the Southern Maryland region.

Each authority is a body politic and corporate and is an instrumentality of the State. The exercise of authority of a power by each authority is the performance of an essential government function. The bill specifies the membership of each authority and requires each authority to elect a chair and a vice chair from its members. Each authority must adopt rules and regulations as necessary for the conduct of its affairs.

Each authority must employ an executive director to serve as the chief executive officer of the authority; the executive director serves at the pleasure of the authority. Each authority may employ or retain officers, staff, and agents, including engineering, architectural, fiscal, and construction experts and attorneys, and set their compensation.

Duties and Powers

Each authority must prepare a regional congestion relief plan for the region it represents that includes transportation improvements of regional significance. An authority may revise its regional congestion relief plan. After adopting a plan, an authority may construct or acquire, by purchase, lease, contract, or otherwise, the transportation facilities specified in its regional congestion relief plan. Each authority has the following duties and responsibilities:

- general oversight of regional programs involving congestion mitigation;
- long-range regional planning for the region it represents;
- recommending to State, regional, and federal agencies regional transportation priorities, including public-private transportation projects, and funding allocations;
- allocating to priority regional transportation projects any funds made available to the authority and, at the discretion of the authority, directly overseeing the projects;
- recommending to MDOT priority regional transportation projects for receipt of federal and State funds;
- recommending to MDOT use or changes in use of tolls or charges for facilities in the region it represents;
- general oversight of regional transportation issues of a multijurisdictional nature, including intelligent transportation systems, signalization, and preparation for and response to emergencies;
- serving as an advocate for the transportation needs of the region it represents before the State and federal governments; and
- applying to and negotiating with the federal government and the State for grants and any other funds available to carry out the purposes of the bill.

Each authority is authorized to:

- adopt bylaws for the conduct of its business;
- adopt a seal;
- maintain offices at a place it designates in the State;
- accept loans, grants, or assistance of any kind from the federal or State government, a local government, a college or university, or a private source;
- enter into contracts and other legal instruments;
- sue or be sued;
- acquire, purchase, hold, lease as a lessee, and use specified property and interests or a franchise, patent, or license;
- sell, lease as lessor, transfer, license, assign, or dispose of property or a property interest that it acquires;
- fix and collect rates, rentals, fees, royalties, and charges for services and resources it provides or makes available;
- create, own, control, or be a member of a corporation, limited liability company, partnership, or other entity, whether operated for profit or not for profit;
- exercise power usually possessed by a private corporation in performing similar functions unless to do so would conflict with State law; and
- do all things necessary or convenient to carry out the powers granted by the bill.

By January 1, 2025, and by each January 1 thereafter, each authority must report to the General Assembly on its activities during the prior year.

Funding

The bill establishes the following special funds and their respective purposes:

- the Baltimore Region Congestion Relief Fund, to finance transportation facilities in the Baltimore region;
- the Capital Region Congestion Relief Fund, to finance transportation facilities in the capital region; and
- the Southern Maryland Congestion Relief Fund, to finance transportation facilities in the Southern Maryland region.

The executive director of each authority must administer the fund for its respective region.

Each fund consists of:

- money appropriated in the State budget to the fund;
- interest earnings; and
- any other money from any other source accepted for the benefit of the fund.

Each fund may only be used for the financing of transportation facilities in its respective region. Expenditures from each fund may be made only in accordance with the State budget. Money expended from each fund for financing transportation facilities is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for transportation facilities in the respective region.

Current Law:

Consolidated Transportation Program and Maryland Transportation Plan

Long-term transportation planning in the State is a collaborative process designed to consider input from the public, local jurisdictions, metropolitan planning organizations (MPOs), and elected officials. Among the numerous reports, meetings, and discussions that take place, two important documents are developed to guide transportation planning in the State: the *Consolidated Transportation Program* (CTP); and the Maryland Transportation Plan (MTP).

The CTP, which is issued annually to the General Assembly, local elected officials, and interested citizens, provides a description of projects proposed by MDOT for development and evaluation or construction over the next six-year period. The MTP is a 20-year forecast of State transportation needs based on MDOT's anticipated financial resources during that 20-year period. It must be revised every 5 years through an inclusive public participation process. Furthermore, it must be expressed in terms of goals and objectives and include a summary of the types of projects and programs that are proposed to accomplish the goals and objectives, using a multimodal approach when feasible.

Metropolitan Planning Organizations

Federal regulations require that each urbanized area, as a condition of the receipt of federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process carried out by an MPO in cooperation with the state that results in plans and programs consistent with the development of the urbanized area. Although the federal regulations have yet to be updated, the U.S. Census Bureau no longer distinguishes between urbanized areas of 50,000 or more people and urban clusters of less than 50,000 people. Instead, the bureau defines an urban area as a geographic location with at least 2,000 housing units or a population of at least 5,000.

Nevertheless, the federal regulations further specify that each MPO must consist of (1) local elected officials; (2) officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and (3) appropriate state officials. An MPO designation remains in effect until otherwise redesignated. An MPO may be redesignated by an agreement between the Governor and units of local government that together represent 75% of the existing planning area population.

The federal regulations also require each state to develop a Statewide Transportation Improvement Program (STIP) for all areas of the state that covers a period of at least four years. The STIP must be updated at least every four years, be developed in cooperation with the state's MPOs, and include Transportation Improvement Programs (TIPs) from each of the urbanized areas represented by those MPOs. The STIP must include capital and noncapital surface transportation projects (or phases of projects) within boundaries of the state proposed for federal funding and may include other specified projects, such as safety projects and emergency relief projects. Specified information about each project, such as the estimated total project cost and amount of federal funds proposed to be obligated for the project, must also be included.

The State's current STIP covers fiscal 2022 through 2025 and includes TIPs from each of the State's seven MPOs, which are listed below:

- Baltimore Regional Transportation Board;
- Calvert – St. Mary's Metropolitan Planning Organization;
- Cumberland Metropolitan Planning Organization;
- Hagerstown-Eastern Panhandle Metropolitan Planning Organization;

- National Capital Region Transportation Planning Board;
- Salisbury/Wicomico Area Metropolitan Planning Organization; and
- Wilmington Metropolitan Planning and Coordinating Council.

A visualization of the urbanized areas covered by these MPOs can be found here.

State Fiscal Effect:

Authority Finances

The bill establishes BRTA, CRTA, and SMTA, requires each authority to develop and implement regional congestion relief plans, and establishes three special funds (one for each authority) to finance transportation facilities projects undertaken by the authorities in implementing their plans. Significant funding may be necessary to implement the congestion relief plans in each region; however, the bill does not establish a dedicated funding source for the three special funds. Thus, for purposes of this analysis, it is assumed that:

- general fund expenditures increase significantly, likely by millions or tens of millions of dollars annually, to capitalize the three special funds – at least for the first several years;
- special fund revenues and expenditures increase correspondingly as the capitalization funds are received and used to finance transportation facilities projects;
- special fund revenues to the three special funds may also increase to the extent the authorities fix and collect rates, rentals, fees, royalties, and charges for services and resources they provide or make available, as authorized by the bill;
- general fund expenditures increase further to pay for any staff employed by BRTA, CRTA, and SMTA, as the bill does not authorize the three special funds to be used to pay for the administrative costs of the authorities;
- funding from TTF is *not* provided to the special funds because the bill specifies that money expended from each special fund is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for transportation facilities in each region, and spending from TTF is generally fully subscribed each year as MDOT funds its capital program for transportation projects throughout the State, including in the three regions specified by the bill; and
- federal fund revenues (and corresponding expenditures) increase to the extent that the authorities apply for and obtain federal funding for transportation facilities projects in their regions.

A reliable estimate of the above effects cannot be made at this time.

As mentioned above, *existing* funding for transportation facilities projects in the State appears to be unaffected by the bill, as the bill explicitly states that money expended from each of the special funds is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for transportation facilities in each region. However, the authorities may compete with the State for available federal funding.

Local-option Transportation Revenues Study Costs

The bill requires MDOT, in consultation with the Comptroller, to report to the General Assembly, by July 1, 2025, on the feasibility of creating local-option transportation revenues for the purpose of raising funds to provide revenue for the authorities established by the bill. MDOT did not respond to a request for information regarding the fiscal effect of the bill in time for inclusion in this fiscal and policy note. Based on a preliminary analysis, TTF expenditures may increase minimally only in fiscal 2025 for MDOT to complete the required report. It is assumed that MDOT takes the lead on this report. However, to the extent that the Comptroller's Office must take a more active role in this effort, temporary contractual staff are necessary, and general fund expenditures increase accordingly.

Local Fiscal Effect: Although not required by the bill, local governments in the Baltimore region, capital region, and Southern Maryland region may choose to provide funding to support the activities of and transportation facilities projects undertaken by BRTA, CRTA, and SMTA. Thus, to the extent that local governments choose to do so, local government expenditures increase accordingly.

It is assumed that local government representation on the authorities can be handled with existing resources.

As noted above, *existing* funding for transportation facilities projects provided to local governments appears to be unaffected by the bill, as the bill explicitly states that money expended from each of the special funds is supplemental to and is not intended to take the place of funding that otherwise would be appropriated for transportation facilities in each region. However, the authorities may compete with local governments for available federal funding.

The bill contemplates the potential use of local-option transportation revenues to fund the authorities established by the bill; however, it is assumed that additional legislation would be necessary to provide local governments with the authority to create any such revenue-generating vehicles.

Small Business Effect: Small businesses that provide planning, engineering, and construction services may experience an increase in business to the extent that the bill results in additional transportation facilities projects being undertaken in the State.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 1126 (Senator King) - Rules.

Information Source(s): Department of Budget and Management; Comptroller's Office; University System of Maryland; Anne Arundel, Charles, and St. Mary's counties; U.S. Census Bureau; Federal Highway Administration; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 29, 2024
km/lgc

Analysis by: Richard L. Duncan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

HOUSE BILL 735

M3 4lr1869
HB 1089/23 – ENT & ECM CF SB 642

By: **Delegates Terrasa, Edelson, Boafo, Charkoudian, Cullison, Embry, Fair, Feldmark, Foley, Fraser–Hidalgo, Healey, Holmes, A. Johnson, Kaufman, Lehman, Love, Pena–Melnyk, Qi, Ruth, Solomon, Stein, Stewart, Taveras, Taylor, Valderrama, Williams, Wu, and Ziegler**

Introduced and read first time: January 29, 2024
Assigned to: Environment and Transportation and Economic Matters

A BILL ENTITLED

AN ACT concerning

Maryland Beverage Container Recycling Refund and Litter Reduction Program

FOR the purpose of establishing the Maryland Beverage Container Recycling Refund and Litter Reduction Program to increase the reuse and recycling of beverage containers and reduce the litter, pollution, and costs associated with beverage containers; altering the duties of the Office of Recycling; altering the contents and use of the State Recycling Trust Fund; requiring the Comptroller to establish a separate account within the Fund; requiring that each redeemable beverage container sold in the State depict certain information beginning on a certain date; requiring the wholesale price and retail price of a full redeemable beverage container to include the refund value of the container, subject to a certain exception, beginning on a certain date; requiring a retailer to include certain information on a customer's sales receipt; establishing a framework for the redemption of redeemable beverage containers sold in the State; requiring a producer to provide a certified copy of a certain contractual agreement to the relevant beverage container stewardship organization; prohibiting a producer from selling, offering for sale, or distributing in or importing into the State a redeemable beverage container unless the producer is registered with the Department of the Environment, pays a certain fee, and is part of a certain beverage container stewardship organization; establishing a framework for a beverage container stewardship organization to represent producers in fulfilling the requirements of this Act; requiring each beverage container stewardship organization to submit a certain beverage container stewardship plan to the Department for approval; requiring a beverage container stewardship organization to implement and administer a beverage container stewardship plan within a certain time after the plan is approved; requiring the Department to establish a process for a county or municipal corporation to create a redemption facility; authorizing redeemable beverage containers redeemed at a redemption facility managed by a county or municipal corporation to be credited toward meeting certain recycling

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

rates; establishing the Beverage Container Recycling Refund Grant Program to increase the reuse and recycling of beverage containers in the State, increase the availability of public water fountains and refill stations in the State, and reduce the volume of litter from beverage containers in the State; establishing the Redeemable Beverage Container Recycling Refund Advisory Council to review certain reports, make certain recommendations, and advise the Department on certain matters; providing immunity from liability to a certain producer or beverage container stewardship organization under certain circumstances; and generally relating to the Maryland Beverage Container Recycling Refund and Litter Reduction Program.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1701(a) and (q) and 9–1702(a)
Annotated Code of Maryland
(2014 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1702(d) and 9–1707(f)
Annotated Code of Maryland
(2014 Replacement Volume and 2023 Supplement)

BY adding to
Article – Environment
Section 9–1733 through 9–1751 to be under the new part “Part V. Maryland Beverage Container Recycling Refund and Litter Reduction Program”
Annotated Code of Maryland
(2014 Replacement Volume and 2023 Supplement)

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

Article – Environment

9–1701.

(a) In this subtitle the following words have the meanings indicated.

(q) “Recycling” means any process in which recyclable materials are collected, separated, or processed and returned to the marketplace in the form of raw materials or products.

9–1702.

(a) There is an Office of Recycling created within the Department.

(d) The Office shall:

(1) Assist the counties in developing an acceptable recycling plan required under § 9–1703 of this subtitle and § 9–505 of this title, including technical assistance to the local governments;

(2) Coordinate the efforts of the State to facilitate the implementation of the recycling goals at the county level;

(3) Review all recycling plans submitted as part of a county plan as required under § 9–505 of this title and advise the Secretary on the adequacy of the recycling plan;

(4) Administer the Statewide Electronics Recycling Program under Part IV of this subtitle; **[**and**]**

(5) Promote the development of markets for recycled materials and recycled products in the State in accordance with § 9–1702.1 of this subtitle**; AND**

(6) ADMINISTER THE MARYLAND BEVERAGE CONTAINER RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER § 9–1735 OF THIS SUBTITLE.

9–1707.

(f) (1) There is a State Recycling Trust Fund.

(2) The Fund shall consist of:

(i) The newsprint recycling incentive fee;

(ii) The telephone directory recycling incentive fee collected under § 9–1709 of this subtitle;

(iii) The covered electronic device manufacturer registration fee collected under § 9–1728 of this subtitle;

(IV) UNCLAIMED DEPOSITS, FEES, AND PENALTIES TRANSFERRED TO THE FUND UNDER §§ 9–1739, 9–1740, AND 9–1750 OF THIS SUBTITLE;

[(iv)**] (V)** All fines and penalties collected under this subtitle;

[(v)**] (VI)** Money appropriated in the State budget to the Fund; and

[(vi)**] (VII)** Any other money from any other source accepted for the benefit of the Fund.

(3) The Secretary shall administer the Fund.

(4) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(5) **(I)** [At] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AT** the end of each fiscal year, any unspent or unencumbered balance in the Fund that exceeds $2,000,000 shall revert to the General Fund of the State in accordance with § 7–302 of the State Finance and Procurement Article.

(II) THE FUNDS TRANSFERRED TO THE FUND UNDER PARAGRAPH (2)(IV) OF THIS SUBSECTION ARE NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE AND MAY NOT REVERT TO THE GENERAL FUND OF THE STATE.

(6) In accordance with the State budget, the Fund shall be used only:

(i) To provide grants to the counties to be used by the counties to develop and implement local recycling plans;

(ii) To provide grants to counties that have addressed methods for the separate collection and recycling of covered electronic devices in accordance with § 9–1703(c)(1) of this subtitle;

(iii) To provide grants to municipalities to be used by the municipalities to implement local covered electronic device recycling programs; [and]

(iv) To carry out the purposes of the land management administration**; AND**

(V) TO COVER THE COSTS OF ADMINISTERING, MONITORING, EVALUATING, AND ENFORCING THE MARYLAND BEVERAGE CONTAINER RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER § 9–1735 OF THIS SUBTITLE.

(7) (I) THE COMPTROLLER SHALL ESTABLISH A SEPARATE ACCOUNT WITHIN THE FUND.

(II) THE ACCOUNT SHALL CONSIST OF THE FUNDS SPECIFIED IN PARAGRAPH (2)(IV) OF THIS SUBSECTION.

(III) THE ACCOUNT MAY BE USED ONLY TO:

1. COVER THE COSTS OF ADMINISTERING, MONITORING, EVALUATING, AND ENFORCING THE MARYLAND BEVERAGE CONTAINER RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER § 9–1735 OF THIS SUBTITLE;

2. FUND THE BEVERAGE CONTAINER RECYCLING REFUND GRANT PROGRAM ESTABLISHED UNDER § 9–1746 OF THIS SUBTITLE;

3. COMPENSATE LOCAL GOVERNMENTS IN ACCORDANCE WITH § 9–1744 OF THIS SUBTITLE; AND

4. MEET OR EXCEED THE PERFORMANCE TARGETS ESTABLISHED UNDER § 9–1736 OF THIS SUBTITLE.

[(7)**] (8)** (i) The Treasurer shall invest the money in the Fund in the same manner as other State money may be invested.

(ii) Any investment earnings of the Fund shall be credited to the General Fund of the State.

9–1731. RESERVED.

9–1732. RESERVED.

PART V. MARYLAND BEVERAGE CONTAINER RECYCLING REFUND AND LITTER REDUCTION PROGRAM.

9–1733.

(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "ACCOUNT–BASED BULK PROCESSING PROGRAM" MEANS A PROGRAM THAT:

(I) UTILIZES A SYSTEM OF CUSTOMER ACCOUNTS AND A MECHANISM TO ASSOCIATE REDEEMED REDEEMABLE BEVERAGE CONTAINERS WITH THE APPROPRIATE CUSTOMER ACCOUNT;

(II) CONSOLIDATES THE REDEEMED REDEEMABLE BEVERAGE CONTAINERS FOR BULK SORTING WHILE COLLECTING DATA ABOUT THE CONTAINERS;

(III) FULLY PREPARES REDEEMED REDEEMABLE BEVERAGE CONTAINERS FOR SALE TO RECYCLERS; AND

(IV) COLLECTS DATA TO SUPPORT AN ACCOUNTING OF THE REDEEMABLE BEVERAGE CONTAINERS, INCLUDING THE DEPOSITS, FEES, AND POUNDS OF MATERIAL PRODUCED THAT ARE ASSOCIATED WITH THE REDEEMABLE BEVERAGE CONTAINERS.

(2) "ACCOUNT–BASED BULK PROCESSING PROGRAM" INCLUDES A BAG DROP PROGRAM IF THE BAG DROP PROGRAM IS A COMPONENT OF THE ACCOUNT–BASED BULK PROCESSING PROGRAM.

(C) "ADVISORY COUNCIL" MEANS THE REDEEMABLE BEVERAGE CONTAINER RECYCLING REFUND ADVISORY COUNCIL ESTABLISHED UNDER § 9–1748 OF THIS SUBTITLE.

(D) "BAG DROP PROGRAM" MEANS A PROGRAM THAT ALLOWS A CUSTOMER TO:

(1) DROP OFF EMPTY REDEEMABLE BEVERAGE CONTAINERS IN A BAG OR OTHER RECEPTACLE AT ONE OR MORE LOCATIONS FOR A REFUND; AND

(2) HAVE THE CORRESPONDING REFUND PLACED INTO AN ACCOUNT HELD FOR THE BENEFIT OF THE CUSTOMER IN A MANNER THAT ALLOWS THE CUSTOMER TO OBTAIN THE REFUND OR REFUND RECEIPT WITHIN A SPECIFIED NUMBER OF DAYS AFTER THE DROP–OFF.

(E) (1) "BEVERAGE" MEANS ANY DRINKABLE LIQUID INTENDED FOR HUMAN ORAL CONSUMPTION.

(2) "BEVERAGE" DOES NOT INCLUDE:

(I) DRUGS REGULATED UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT; AND

(II) INFANT FORMULA.

(F) "BEVERAGE CONTAINER" MEANS A BOTTLE, CAN, OR OTHER CONTAINER THAT:

(1) HAS BEEN SEALED BY A MANUFACTURER;

(2) IS MADE OF GLASS, METAL, OR PLASTIC; AND

(3) AT THE TIME OF SALE, CONTAINS 3 LITERS OR LESS OF A BEVERAGE.

(G) "BEVERAGE CONTAINER REDEMPTION AND PROCESSING METHOD" MEANS A MANUAL OR TECHNOLOGICAL METHOD FOR PROPERLY COLLECTING, IDENTIFYING, COUNTING, OR PROCESSING EMPTY REDEEMABLE BEVERAGE CONTAINERS FOR REDEMPTION.

(H) "BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION" MEANS A NONPROFIT ORGANIZATION THAT IS:

(1) EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; AND

(2) CREATED BY PRODUCERS TO IMPLEMENT A BEVERAGE CONTAINER STEWARDSHIP PLAN.

(I) "BEVERAGE CONTAINER STEWARDSHIP PLAN" MEANS A PLAN SUBMITTED TO THE DEPARTMENT UNDER § 9–1742 OF THIS SUBTITLE.

(J) "DEPOSIT INITIATOR" MEANS THE FIRST DISTRIBUTOR TO COLLECT A DEPOSIT ON A BEVERAGE CONTAINER SOLD IN THE STATE.

(K) (1) "DISTRIBUTOR" MEANS A PERSON THAT SELLS BEVERAGES IN REDEEMABLE BEVERAGE CONTAINERS TO A RETAILER IN THE STATE.

(2) "DISTRIBUTOR" INCLUDES A PERSON THAT MANUFACTURES AND SELLS BEVERAGES IN REDEEMABLE BEVERAGE CONTAINERS TO A RETAILER IN THE STATE.

(3) "DISTRIBUTOR" DOES NOT INCLUDE AIRLINES OR SHIPPING COMPANIES THAT TRANSPORT REDEEMABLE BEVERAGE CONTAINERS.

(L) "GRANT PROGRAM" MEANS THE BEVERAGE CONTAINER RECYCLING REFUND GRANT PROGRAM ESTABLISHED UNDER § 9–1746 OF THIS SUBTITLE.

(M) "LINE BREAKAGE" MEANS A BEVERAGE CONTAINER THAT:

(1) BECOMES DEFECTIVE OR DAMAGED DURING MANUFACTURING;

(2) IS NOT INTENDED TO BE SOLD; AND

(3) IS NOT ELIGIBLE FOR REDEMPTION.

(N) "MARYLAND–SPECIFIC UPC BARCODE" MEANS A UNIVERSAL PRODUCT CODE THAT IS:

(1) UNIQUE TO BEVERAGE CONTAINERS SOLD IN THE STATE; AND

(2) USED TO DETER FRAUD AND ENSURE THE LEGITIMATE REDEMPTION OF REDEEMABLE BEVERAGE CONTAINERS.

(O) (1) "ON–PREMISES SELLER" MEANS A PERSON THAT SELLS FILLED AND UNOPENED REDEEMABLE BEVERAGE CONTAINERS FOR ON–PREMISES CONSUMPTION.

(2) "ON–PREMISES SELLER" INCLUDES:

(I) BARS;

(II) HOTELS;

(III) RESTAURANTS;

(IV) SPORTING VENUES;

(V) ENTERTAINMENT VENUES; AND

(VI) GAMING VENUES.

(P) "PERFORMANCE TARGETS" MEANS THE TARGETS ESTABLISHED UNDER § 9–1736 OF THIS SUBTITLE.

(Q) (1) "PRODUCER" MEANS A PERSON RESPONSIBLE FOR COMPLYING WITH THE REQUIREMENTS UNDER THIS PART.

(2) "PRODUCER" INCLUDES A FRANCHISOR OF A FRANCHISE LOCATED IN THE STATE.

(3) "PRODUCER" DOES NOT INCLUDE:

(I) THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE;

(II) A CHARITABLE ORGANIZATION THAT IS TAX–EXEMPT UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE;

(III) A SOCIAL WELFARE ORGANIZATION THAT IS TAX–EXEMPT UNDER § 501(C)(4) OF THE INTERNAL REVENUE CODE;

(IV) A FRANCHISEE THAT OPERATES A FRANCHISE IN THE STATE;

(V) A PERSON THAT ANNUALLY SELLS, OFFERS FOR SALE, DISTRIBUTES, OR IMPORTS INTO THE COUNTRY FOR SALE IN THE STATE FEWER THAN 1,000 REDEEMABLE BEVERAGE CONTAINERS; OR

(VI) A PERSON THAT ANNUALLY SELLS, OFFERS FOR SALE, OR DISTRIBUTES IN THE STATE REDEEMABLE BEVERAGE CONTAINERS THAT IN AGGREGATE GENERATE LESS THAN $5,000,000 EACH YEAR IN GLOBAL REVENUE.

(R) "PROGRAM" MEANS THE MARYLAND BEVERAGE CONTAINER RECYCLING REFUND AND LITTER REDUCTION PROGRAM ESTABLISHED UNDER § 9–1735 OF THIS SUBTITLE.

(S) "RECYCLING RATE" MEANS THE NUMBER OF NONREFILLABLE REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE THAT ARE REDEEMED AND RECYCLED SHOWN AS A PERCENTAGE OF ALL NONREFILLABLE REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE.

(T) "REDEEM" MEANS THE RETURN OF AN EMPTY REDEEMABLE BEVERAGE CONTAINER IN EXCHANGE FOR A REFUND, A VOUCHER FOR A REFUND, OR A CREDIT TO AN ACCOUNT FOR NOT LESS THAN THE REFUND VALUE.

(U) "REDEEMABLE BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER THAT, AT THE TIME OF SALE:

(1) CONTAINS 3 LITERS OR LESS OF A BEVERAGE;

(2) BEARS A UNIVERSAL PRODUCT CODE; AND

(3) MAY BEAR A MARYLAND–SPECIFIC UPC BARCODE FOR THE PURPOSE OF ENSURING LEGITIMATE REDEMPTION AND DETERRING FRAUD.

(V) "REDEMPTION FACILITY" MEANS A FACILITY THAT:

(1) ACCEPTS EMPTY BEVERAGE CONTAINERS FROM A CONSUMER, A RETAILER, OR BOTH;

(2) COLLECTS, SORTS, AND COUNTS EMPTY BEVERAGE CONTAINERS;

(3) REFUNDS THE REFUND VALUE OF EMPTY REDEEMABLE BEVERAGE CONTAINERS IN CASH, WITH A VOUCHER, OR AS A CREDIT TO AN ACCOUNT FOR NOT LESS THAN THE REFUND VALUE OF THE REDEEMABLE BEVERAGE CONTAINER; AND

(4) IS LICENSED UNDER § 9–1738 OF THIS SUBTITLE.

(W) "REDEMPTION RATE" MEANS THE PERCENTAGE OF REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE THAT ARE REDEEMED FOR THE DEPOSIT VALUE.

(X) "REFILLABLE" MEANS A BEVERAGE CONTAINER THAT IS DESIGNED AND INTENDED TO BE REUSED AS A BEVERAGE CONTAINER AFTER BEING USED BY A CONSUMER WITHOUT THE NEED FOR REMANUFACTURING.

(Y) (1) "RETAILER" MEANS A PERSON THAT ENGAGES IN THE SALE OF REDEEMABLE BEVERAGE CONTAINERS TO A CONSUMER IN THE STATE.

(2) "RETAILER" INCLUDES A PERSON THAT ENGAGES IN THE SALE OF REDEEMABLE BEVERAGE CONTAINERS:

(I) THROUGH A VENDING MACHINE; OR

(II) ONLINE FOR HOME DELIVERY.

(Z) "REVERSE VENDING MACHINE" MEANS AN AUTOMATED DEVICE THAT:

(1) ACCEPTS ONE OR MORE TYPES OF EMPTY REDEEMABLE BEVERAGE CONTAINERS;

(2) USES A LASER SCANNER, AN OPTICAL SENSOR, A MICROPROCESSOR, OR OTHER TECHNOLOGY TO ACCURATELY RECOGNIZE A BEVERAGE CONTAINER'S UNIVERSAL PRODUCT CODE TO DETERMINE WHETHER THE CONTAINER IS A REDEEMABLE BEVERAGE CONTAINER;

(3) ISSUES A REDEEMABLE CREDIT SLIP FOR THE REDEEMABLE BEVERAGE CONTAINER'S REFUND VALUE;

(4) SEPARATES REDEEMABLE BEVERAGE CONTAINERS FROM CONTAINERS THAT ARE NOT REDEEMABLE;

(5) USES MECHANICAL COMPACTION TO CANCEL REDEEMABLE BEVERAGE CONTAINERS THAT HAVE BEEN REDEEMED; AND

(6) COMPILES INFORMATION REGARDING THE REDEEMABLE BEVERAGE CONTAINERS THAT HAVE BEEN REDEEMED, INCLUDING THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS REDEEMED.

(AA) (1) "UNIVERSAL PRODUCT CODE" OR "UPC" MEANS A STANDARD BARCODE THAT ENCODES A NUMBER UNIQUELY ASSIGNED TO A PRODUCT FOR IDENTIFICATION OF THE PRODUCT.

(2) "UNIVERSAL PRODUCT CODE" OR "UPC" INCLUDES:

(I) ANY INDUSTRY–ACCEPTED BARCODE USED FOR PRODUCT IDENTIFICATION PURPOSES; AND

(II) A EUROPEAN ARTICLE NUMBER.

9–1734.

IT IS THE INTENT OF THE GENERAL ASSEMBLY TO:

(1) ACHIEVE A REDEMPTION RATE OF AT LEAST 90% FOR THE APPROXIMATELY 5,200,000,000 SINGLE–USE BEVERAGE CONTAINERS SOLD ANNUALLY IN THE STATE;

(2) PROVIDE A SOURCE OF HIGH–QUALITY FOOD–GRADE MATERIALS FOR USE AS RECYCLED CONTENT IN BEVERAGE AND FOOD CONTAINERS;

(3) REDUCE THE VOLUME OF LITTER AND PLASTIC POLLUTION FROM BEVERAGE CONTAINERS IN THE STATE;

(4) REDUCE THE VOLUME OF BEVERAGE CONTAINERS THAT ARE LANDFILLED OR INCINERATED IN THE STATE;

(5) REDUCE THE COSTS OF LITTER AND BEVERAGE CONTAINER COLLECTION, RECYCLING, AND DISPOSAL INCURRED BY TAXPAYERS, COUNTIES, AND MUNICIPAL CORPORATIONS BY MAKING PRODUCERS OF BEVERAGE CONTAINERS RESPONSIBLE FOR THE RECOVERY, RECYCLING, AND REUSE OF BEVERAGE CONTAINERS;

(6) PROVIDE INCENTIVES FOR INCREASING THE USE OF REUSABLE AND REFILLABLE BEVERAGE CONTAINERS; AND

(7) REDUCE GREENHOUSE GAS EMISSIONS ASSOCIATED WITH THE PRODUCTION, TRANSPORTATION, PROCESSING, AND WASTE DISPOSAL OF SINGLE–USE BEVERAGE CONTAINERS SOLD IN THE STATE.

9–1735.

THERE IS A MARYLAND BEVERAGE CONTAINER RECYCLING REFUND AND LITTER REDUCTION PROGRAM IN THE DEPARTMENT.

9–1736.

PERFORMANCE TARGETS FOR THE PROGRAM ARE AS FOLLOWS:

(1) A 70% REDEMPTION RATE BY DECEMBER 31, 2028;

(2) A 90% REDEMPTION RATE BY DECEMBER 31, 2031;

(3) A 65% RECYCLING RATE BY DECEMBER 31, 2028;

(4) AN 85% RECYCLING RATE BY DECEMBER 31, 2031;

(5) BY DECEMBER 31, 2026, ATTAINMENT OF ALL CONVENIENCE STANDARDS IDENTIFIED BY THE DEPARTMENT UNDER § 9–1747 OF THIS SUBTITLE; AND

(6) BY DECEMBER 31, 2034, AT LEAST 10% OF ALL BEVERAGE CONTAINERS SOLD IN THE STATE ARE RETURNED AND REFILLED.

9–1737.

(A) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, BEGINNING JANUARY 1, 2027, EACH REDEEMABLE BEVERAGE CONTAINER SOLD IN THE STATE SHALL INCLUDE A DEPICTION OF THE FOLLOWING INFORMATION:

(I) THE WORD "MARYLAND" OR THE LETTERS "MD"; AND

(II) 1. FOR REDEEMABLE BEVERAGE CONTAINERS WITH A VOLUME OF 24 FLUID OUNCES OR LESS, A REFUND VALUE OF 10 CENTS; OR

2. FOR REDEEMABLE BEVERAGE CONTAINERS WITH A VOLUME OF MORE THAN 24 FLUID OUNCES, A REFUND VALUE OF 15 CENTS.

(2) THE DEPARTMENT MAY ADJUST THE REFUND VALUES SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION:

(I) IF THE DEPARTMENT DETERMINES ALTERING THE REFUND VALUES IS NECESSARY TO MEET OR EXCEED PERFORMANCE TARGETS; OR

(II) AT THE REQUEST OF A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION.

(3) BEGINNING JANUARY 1, 2031, THE DEPARTMENT SHALL INCREASE THE REFUND VALUES SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION BY 5 CENTS IF THE DEPARTMENT DETERMINES THAT FOR 2 CONSECUTIVE CALENDAR YEARS THE REDEMPTION RATE WAS LESS THAN 90% OF THE TOTAL NUMBER OF BEVERAGE CONTAINERS SOLD IN THE STATE.

(B) A BEVERAGE CONTAINER DEPICTING THE INFORMATION SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT BE SOLD TO A CONSUMER BEFORE JANUARY 1, 2027.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING JANUARY 1, 2027:

(I) THE WHOLESALE PRICE AND THE RETAIL PRICE OF A FULL REDEEMABLE BEVERAGE CONTAINER SHALL INCLUDE THE REFUND VALUE OF THE REDEEMABLE BEVERAGE CONTAINER; AND

(II) A RETAILER SHALL INCLUDE ON A CUSTOMER'S SALES RECEIPT THE REFUND VALUE OF A REDEEMABLE BEVERAGE CONTAINER SOLD BY THE RETAILER TO THE CUSTOMER.

(2) THE RETAIL PRICE OF A FULL REDEEMABLE BEVERAGE CONTAINER SOLD BY AN ON–PREMISES SELLER MAY NOT INCLUDE THE REFUND VALUE OF THE REDEEMABLE BEVERAGE CONTAINER.

9–1738.

(A) (1) THE PROGRAM SHALL PROVIDE A RANGE OF OPTIONS FOR CUSTOMERS TO CONVENIENTLY REDEEM EMPTY REDEEMABLE BEVERAGE CONTAINERS FOR THE FULL REFUND VALUE, INCLUDING:

(I) AT A RETAILER'S PLACE OF BUSINESS THROUGH DIRECT TAKE–BACK BY THE RETAILER, REVERSE VENDING MACHINES, A BAG DROP PROGRAM, OR OTHER REDEMPTION METHODS;

(II) DEDICATED AND CONVENIENTLY LOCATED REDEMPTION FACILITIES OPERATED BY RETAILERS, PUBLIC ENTITIES, OR A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION; AND

(III) PLACING REDEEMABLE BEVERAGE CONTAINER REDEMPTION AND PROCESSING METHODS, SUCH AS REVERSE VENDING MACHINES, BAG DROP PROGRAMS, AND ACCOUNT–BASED BULK PROCESSING PROGRAMS, IN AREAS:

1. WITH A HIGH NUMBER OF PEDESTRIANS; AND

2. WHERE INDIVIDUALS PURCHASE OR USE BEVERAGE CONTAINERS.

(2) THE PROGRAM SHALL PROVIDE A RANGE OF OPTIONS FOR ON–PREMISES SELLERS TO CONVENIENTLY REDEEM EMPTY REDEEMABLE BEVERAGE CONTAINERS FOR THE FULL REFUND VALUE, INCLUDING:

(I) AN ACCOUNT–BASED REFUND ISSUED BY A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENTS FOLLOWING THE COLLECTION OF EMPTY REDEEMABLE BEVERAGE CONTAINERS BY THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENTS FROM THE ON–PREMISES SELLER; OR

(II) AN ACCOUNT–BASED REFUND ISSUED BY THE OPERATOR OF A BAG DROP PROGRAM.

(B) (1) A PERSON SHALL APPLY TO THE DEPARTMENT FOR A LICENSE TO OPERATE A REDEMPTION FACILITY IN THE STATE.

(2) THE DEPARTMENT SHALL DEVELOP STANDARDS AND A LICENSING PROCESS FOR THE ESTABLISHMENT AND OPERATION OF REDEMPTION FACILITIES.

(C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A REDEMPTION FACILITY SHALL ACCEPT ALL TYPES OF EMPTY REDEEMABLE BEVERAGE CONTAINERS FOR REDEMPTION.

(D) A RETAILER OR REDEMPTION FACILITY MAY REFUSE TO ACCEPT AN EMPTY REDEEMABLE BEVERAGE CONTAINER THAT:

(1) IS DIRTY;

(2) IS BROKEN;

(3) CONTAINS MATERIAL FOREIGN TO THE NORMAL CONTENTS OF THE BEVERAGE CONTAINER; OR

(4) THE RETAILER OR REDEMPTION FACILITY BELIEVES WAS NOT SOLD IN THE STATE.

(E) (1) THIS SUBSECTION APPLIES TO A RETAILER WITH AT LEAST 3,000 SQUARE FEET OF SALES FLOOR SPACE AND AT LEAST 150 SQUARE FEET OF SHELF SPACE DEDICATED TO THE DISPLAY OF REDEEMABLE BEVERAGE CONTAINERS.

(2) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A RETAILER SHALL:

(I) ESTABLISH AND MAINTAIN A DEDICATED AREA AT THE RETAILER'S PLACE OF BUSINESS TO ACCEPT EMPTY REDEEMABLE BEVERAGE CONTAINERS;

(II) ACCEPT AT THE RETAILER'S PLACE OF BUSINESS ANY EMPTY REDEEMABLE BEVERAGE CONTAINERS RETURNED FOR REDEMPTION DURING THE RETAILER'S BUSINESS HOURS; AND

(III) PAY TO THE REDEEMER THE REFUND VALUE FOR EACH EMPTY REDEEMABLE BEVERAGE CONTAINER REDEEMED.

(3) RETAILERS MAY MEET THE REQUIREMENTS IN PARAGRAPH (2) OF THIS SUBSECTION THROUGH VARIOUS METHODS, INCLUDING:

(I) SUPPLEMENTING THE MANUAL COLLECTION AND STORING OF REDEEMED REDEEMABLE BEVERAGE CONTAINERS WITH A REVERSE VENDING MACHINE, A BAG DROP PROGRAM, OR OTHER COUNTING AND SORTING METHODS; AND

(II) GROUPING BEVERAGE CONTAINER REDEMPTION AND PROCESSING METHODS WITH THOSE OF OTHER RETAILERS IF:

1. A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION APPROVES THE PROPOSAL; AND

2. THE RETAILERS PARTICIPATING IN THE GROUPED METHODS PROVIDE CONSISTENT SERVICE, MARKETING, AND SITE REDEMPTION LOCATIONS THAT COMPLY WITH DISTANCE PROVISIONS DETERMINED BY THE DEPARTMENT.

(4) A RETAILER WITHIN AN AREA THAT MEETS THE CONVENIENCE STANDARDS ESTABLISHED BY THE DEPARTMENT UNDER § 9–1747 OF THIS SUBTITLE MAY BE EXEMPT FROM THE REQUIREMENTS OF THIS SUBSECTION IF THE RETAILER:

(I) IS LOCATED IN CLOSE PROXIMITY TO A REDEMPTION FACILITY IN THAT AREA; AND

(II) SHARES THE COST OF THE OPERATION OF THE REDEMPTION FACILITY WITH A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION.

(5) THE DEPARTMENT MAY:

(I) SET STANDARDS FOR THE NUMBER OF REVERSE VENDING MACHINES REQUIRED FOR RETAILERS LOCATED IN UNDERSERVED COMMUNITIES; AND

(II) ESTABLISH A CAP FOR THE NUMBER OF EMPTY REDEEMABLE BEVERAGE CONTAINERS THAT CAN BE REDEEMED PER VISIT AT SMALL RETAILERS.

(F) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A RETAILER WITH LESS THAN 3,000 SQUARE FEET OF SALES FLOOR SPACE OR LESS THAN 150 SQUARE FEET OF SHELF SPACE DEDICATED TO THE DISPLAY OF REDEEMABLE BEVERAGE CONTAINERS SHALL:

(1) PROVIDE ON–SITE CASH REFUNDS FOR THE REDEMPTION OF ANY EMPTY REDEEMABLE BEVERAGE CONTAINER THAT IS OF THE SAME MATERIAL AND SIZE AS THOSE THAT ARE SOLD BY THE RETAILER IF THE EMPTY REDEEMABLE BEVERAGE CONTAINER BEING REDEEMED IS NOT ACCEPTED BY A REVERSE VENDING MACHINE; AND

(2) POST AT THE RETAILER'S ENTRANCE THE ADDRESS OF THE NEAREST REVERSE VENDING MACHINE OR OTHER REDEMPTION METHOD THAT

PROVIDES AN IMMEDIATE CASH REFUND FOR REDEEMING EMPTY REDEEMABLE BEVERAGE CONTAINERS.

(G) (1) A PERSON THAT PROVIDES A REVERSE VENDING MACHINE FOR THE REDEMPTION OF EMPTY REDEEMABLE BEVERAGE CONTAINERS SHALL:

(I) PROVIDE AN OPTION FOR REDEEMING EMPTY REDEEMABLE BEVERAGE CONTAINERS WHEN THE REVERSE VENDING MACHINE IS FULL, BROKEN, OR UNDER REPAIR; AND

(II) PROVIDE AN OPTION FOR REDEEMING ANY EMPTY REDEEMABLE BEVERAGE CONTAINERS NOT ACCEPTED BY THE REVERSE VENDING MACHINE.

(2) (I) THE DEPARTMENT SHALL ESTABLISH A PROCESS FOR SUBMITTING FOR REVIEW, APPROVING, AND MONITORING AN ACCOUNT–BASED BULK PROCESSING PROGRAM THAT:

1. ENSURES THAT THE PROGRAM WILL ACCURATELY REFUND DEPOSITS AND MAINTAIN AND REPORT DATA FROM EACH TRANSACTION; AND

2. IDENTIFIES THE INFORMATION THAT MUST BE SUBMITTED TO THE DEPARTMENT FOR APPROVAL OF THE PROGRAM.

(II) A PERSON THAT INTENDS TO PROVIDE AN ACCOUNT–BASED BULK PROCESSING PROGRAM FOR THE REDEMPTION OF EMPTY REDEEMABLE BEVERAGE CONTAINERS SHALL SUBMIT INFORMATION IDENTIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO THE DEPARTMENT FOR APPROVAL OF THE PROGRAM.

(H) REFUNDS PROVIDED FOR AN EMPTY REDEEMED REDEEMABLE BEVERAGE CONTAINER SHALL BE:

(1) IN CASH;

(2) IN THE FORM OF A RECEIPT FROM A REVERSE VENDING MACHINE IF:

(I) THE RECEIPT CAN BE EXCHANGED FOR CASH WITHIN 60 DAYS AFTER THE RECEIPT IS ISSUED; AND

(II) THERE IS NO REQUIREMENT THAT OTHER GOODS BE PURCHASED TO RECEIVE THE CASH REFUND; OR

(3) CREDITED TO AN ACCOUNT BY THE RECEIVER OF THE EMPTY REDEEMABLE BEVERAGE CONTAINER SO THAT THE CONSUMER CAN RECEIVE THE REFUND OR A REFUND RECEIPT WITHIN A SPECIFIED NUMBER OF DAYS, AS DETERMINED BY THE DEPARTMENT, AFTER REDEEMING THE EMPTY REDEEMABLE BEVERAGE CONTAINER.

(I) (1) A REDEMPTION FACILITY, RETAILER, OR OTHER PERSON THAT ACCEPTS REDEEMABLE BEVERAGE CONTAINERS FOR REDEMPTION SHALL BE REIMBURSED BY A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENT FOR THE HANDLING OF EACH EMPTY REDEEMABLE BEVERAGE CONTAINER REDEEMED.

(2) (I) THE DEPARTMENT SHALL SET A HANDLING FEE TO BE PAID BY A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENT TO A REDEMPTION FACILITY, RETAILER, OR OTHER PERSON THAT ACCEPTS EMPTY REDEEMABLE BEVERAGE CONTAINERS FOR REDEMPTION.

(II) 1. THE HANDLING FEE SHALL BE SET AT AN AMOUNT THAT COVERS THE COSTS OF COLLECTING, SORTING, PROCESSING, AND TRANSPORTING EMPTY REDEEMABLE BEVERAGE CONTAINERS FOR RECYCLING, REUSE, OR REFILLING.

2. THE DEPARTMENT MAY INCREASE THE HANDLING FEE IF THE DEPARTMENT DETERMINES AN INCREASE IS NECESSARY TO ENCOURAGE THE ESTABLISHMENT OF MORE REDEMPTION FACILITIES.

(J) (1) AN ON–PREMISES SELLER THAT ACCEPTS EMPTY REDEEMABLE BEVERAGE CONTAINERS FOR REDEMPTION SHALL BE REIMBURSED BY A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENT FOR:

(I) THE REFUNDS PAID BY THE ON–PREMISES SELLER FOR THE EMPTY REDEEMED REDEEMABLE BEVERAGE CONTAINERS; AND

(II) THE HANDLING OF EACH EMPTY REDEEMABLE BEVERAGE CONTAINER REDEEMED.

(2) (I) THE DEPARTMENT SHALL SET A MATERIAL HANDLING FEE TO BE PAID BY A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENT TO AN ON–PREMISES SELLER THAT ACCEPTS EMPTY REDEEMABLE BEVERAGE CONTAINERS FOR REDEMPTION.

(II) THE HANDLING FEE SHALL BE SET AT AN AMOUNT THAT COVERS THE COSTS OF TEMPORARY STORAGE, PRELIMINARY SORTING, AND PREPARING EACH REDEEMABLE BEVERAGE CONTAINER REDEEMED FOR COLLECTION.

(3) A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION OR ITS AGENT SHALL PROVIDE TO AN ON–PREMISES SELLER:

(I) ANY RECEPTACLES OR BAGS REQUIRED FOR THE PRELIMINARY SORTING OF REDEEMED REDEEMABLE BEVERAGE CONTAINERS BY THE ON–PREMISES SELLER; AND

(II) ANY LABELS NECESSARY FOR ATTRIBUTING THE REDEEMED REDEEMABLE BEVERAGE CONTAINERS TO THE ON–PREMISES SELLER.

(K) A DEPOSIT INITIATOR THAT COLLECTS A DEPOSIT FROM A RETAILER, REDEMPTION FACILITY, OR OTHER PERSON THAT ACCEPTS REDEEMABLE BEVERAGE CONTAINERS FOR REDEMPTION SHALL ACCOUNT FOR ANY DEPOSITS IN ACCORDANCE WITH § 9–1739 OF THIS SUBTITLE.

(L) REDEEMED EMPTY REDEEMABLE BEVERAGE CONTAINERS SHALL BE COLLECTED FOR RETURN TO A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION FOR SALE AS SCRAP MATERIAL TO FINANCE THE PROGRAM.

9–1739.

(A) A DEPOSIT INITIATOR SHALL DEPOSIT ANY DEPOSITS COLLECTED UNDER § 9–1738 OF THIS SUBTITLE INTO A DEPOSIT COLLECTION ACCOUNT THAT IS MAINTAINED SEPARATELY FROM ALL OTHER REVENUES.

(B) THE FUNDS IN THE DEPOSIT COLLECTION ACCOUNT MAY BE USED ONLY TO PAY THE REFUND VALUE OF AN EMPTY REDEEMABLE BEVERAGE CONTAINER BEING REDEEMED.

(C) A DEPOSIT INITIATOR SHALL REPORT TO A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION, AT A FREQUENCY DETERMINED BY THE DEPARTMENT, THE FOLLOWING INFORMATION:

(1) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD AND EMPTY REDEEMABLE BEVERAGE CONTAINERS REDEEMED SINCE THE LAST REPORT WAS SUBMITTED TO THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION UNDER THIS SUBSECTION;

(2) THE FUNDS DEPOSITED INTO THE DEPOSIT COLLECTION ACCOUNT AND THE REFUNDS ISSUED FROM THE DEPOSIT COLLECTION ACCOUNT SINCE THE LAST REPORT WAS SUBMITTED TO THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION UNDER THIS SUBSECTION;

(3) ANY INCOME EARNED ON THE FUNDS IN THE DEPOSIT COLLECTION ACCOUNT SINCE THE LAST REPORT WAS SUBMITTED TO THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION UNDER THIS SUBSECTION;

(4) THE BALANCE OF THE DEPOSIT COLLECTION ACCOUNT; AND

(5) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(D) (1) THE DEPARTMENT SHALL DETERMINE THE POINT AT WHICH A DEPOSIT BECOMES AN UNCLAIMED DEPOSIT.

(2) UNCLAIMED DEPOSITS ARE CALCULATED AS THE AMOUNT OF FUNDS TRANSFERRED TO A DEPOSIT COLLECTION ACCOUNT THAT ARE IN EXCESS OF THE SUM OF:

(I) ANY INTEREST EARNINGS ON THE DEPOSIT COLLECTION ACCOUNT DURING THE TIME FOR WHICH UNCLAIMED DEPOSITS ARE BEING CALCULATED; AND

(II) THE TOTAL AMOUNT OF THE REFUND VALUE RECEIVED FOR THE EMPTY REDEEMABLE BEVERAGE CONTAINERS REDEEMED DURING THE TIME FOR WHICH THE UNCLAIMED DEPOSITS ARE BEING CALCULATED.

(3) A DEPOSIT INITIATOR SHALL TRANSFER ALL UNCLAIMED DEPOSITS TO A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AT A FREQUENCY DETERMINED BY THE DEPARTMENT.

(4) A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL:

(I) ESTABLISH A RESERVE ACCOUNT TO MANAGE ALL UNCLAIMED DEPOSITS; AND

(II) TRANSFER 10% OF ALL UNCLAIMED DEPOSITS TO THE DEPARTMENT WITH A FREQUENCY DETERMINED BY THE DEPARTMENT.

(5) A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL USE THE FUNDS IN THE RESERVE ACCOUNT ESTABLISHED UNDER PARAGRAPH (4) OF THIS SUBSECTION TO:

(I) ACHIEVE THE INTENT OF THE GENERAL ASSEMBLY STATED IN § 9–1734 OF THIS SUBTITLE; AND

(II) MEET OR EXCEED THE PERFORMANCE TARGETS ESTABLISHED IN § 9–1736 OF THIS SUBTITLE.

(6) (I) THE DEPARTMENT SHALL TRANSFER ANY UNCLAIMED DEPOSITS RECEIVED UNDER THIS PARAGRAPH TO THE STATE RECYCLING TRUST FUND UNDER § 9–1707(F) OF THIS SUBTITLE.

(II) THE UNCLAIMED DEPOSITS TRANSFERRED TO THE STATE RECYCLING TRUST FUND MAY BE USED ONLY FOR THE COSTS OF ADMINISTERING AND FINANCING THE GRANT PROGRAM UNDER § 9–1746 OF THIS SUBTITLE.

9–1740.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES TO A PRODUCER THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES REDEEMABLE BEVERAGE CONTAINERS IN THE STATE.

(2) (I) IF THE BEVERAGE CONTAINER IS SOLD UNDER THE PRODUCER'S OWN BRAND OR LACKS IDENTIFICATION OF A BRAND, THE PRODUCER IS THE PERSON THAT MANUFACTURES THE REDEEMABLE BEVERAGE CONTAINER.

(II) IF THE REDEEMABLE BEVERAGE CONTAINER IS MANUFACTURED BY A PERSON OTHER THAN THE BRAND OWNER, THE PRODUCER IS THE PERSON THAT IS THE LICENSEE OF A BRAND OR TRADEMARK UNDER WHICH A REDEEMABLE BEVERAGE CONTAINER IS SOLD, OFFERED FOR SALE, OR DISTRIBUTED IN THE STATE, WHETHER OR NOT THE TRADEMARK IS REGISTERED IN THE STATE, UNLESS ANOTHER RESPONSIBLE PERSON HAS CONTRACTUALLY ACCEPTED RESPONSIBILITY AS THE PRODUCER AND HAS JOINED A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AS THE PRODUCER RESPONSIBLE FOR THE REDEEMABLE BEVERAGE CONTAINER UNDER THIS SECTION.

(III) IF THERE IS NO PERSON DESCRIBED IN THIS PARAGRAPH OVER WHOM THE STATE CAN CONSTITUTIONALLY EXERCISE JURISDICTION, THE PRODUCER IS THE PERSON THAT IMPORTS OR DISTRIBUTES THE REDEEMABLE BEVERAGE CONTAINER IN THE STATE.

(3) IF ANOTHER PERSON CONTRACTUALLY ACCEPTS RESPONSIBILITY AS A PRODUCER UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION, THE PRODUCER MUST PROVIDE A CERTIFIED COPY OF THE CONTRACTUAL AGREEMENT TO THE RELEVANT BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION.

(B) BEGINNING JANUARY 1, 2027, A PRODUCER MAY NOT SELL, OFFER FOR SALE, OR DISTRIBUTE IN OR IMPORT INTO THE STATE A REDEEMABLE BEVERAGE CONTAINER UNLESS THE PRODUCER:

(1) IS REGISTERED WITH THE DEPARTMENT IN ACCORDANCE WITH THIS SECTION;

(2) HAS PAID THE REGISTRATION FEE UNDER SUBSECTION (F) OF THIS SECTION; AND

(3) IS PART OF A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION THAT:

(I) HAS BEEN APPROVED BY THE DEPARTMENT UNDER § 9–1741 OF THIS SUBTITLE; AND

(II) HAS A BEVERAGE CONTAINER STEWARDSHIP PLAN APPROVED BY THE DEPARTMENT UNDER § 9–1742 OF THIS SUBTITLE.

(C) ON OR BEFORE MARCH 1 EACH YEAR, BEGINNING IN 2026, A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION REPRESENTING A PRODUCER SHALL PROVIDE TO THE DEPARTMENT:

(1) A LIST OF EACH PRODUCER PARTICIPATING IN THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION; AND

(2) FOR EACH PRODUCER, THE REGISTRATION FORM REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

(D) (1) THE DEPARTMENT SHALL CREATE A REGISTRATION FORM THAT REQUIRES EACH PRODUCER PARTICIPATING IN THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION TO PROVIDE THE FOLLOWING INFORMATION:

(I) THE NAME, PRIMARY BUSINESS ADDRESS, AND CONTACT INFORMATION OF THE PERSON RESPONSIBLE FOR ENSURING COMPLIANCE WITH THIS PART;

(II) A LIST OF EACH BRAND OF REDEEMABLE BEVERAGE CONTAINERS THAT THE PRODUCER INTENDS TO SELL, OFFER FOR SALE, OR DISTRIBUTE IN THE STATE, INCLUDING THE SIZE AND MATERIAL OF THE REDEEMABLE BEVERAGE CONTAINERS FOR EACH BRAND;

(III) FOR EACH REDEEMABLE BEVERAGE CONTAINER SPECIFIED IN THE REGISTRATION, WHETHER THE REDEEMABLE BEVERAGE CONTAINER:

1. IS REFILLABLE; AND

2. DEPICTS A UPC OR MARYLAND–SPECIFIC UPC BARCODE;

(IV) HOW EACH PRODUCER WILL PREVENT THE FRAUDULENT SALE AND REDEMPTION OF REDEEMABLE BEVERAGE CONTAINERS THAT WERE NOT SOLD IN THE STATE;

(V) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS EACH PRODUCER SOLD IN THE STATE IN THE IMMEDIATELY PRECEDING CALENDAR YEAR; AND

(VI) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(2) A PRODUCER SHALL SUBMIT A COMPLETED REGISTRATION FORM TO THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION THAT REPRESENTS THE PRODUCER.

(E) ON OR BEFORE MARCH 1, 2026, AND WITH A FREQUENCY AS DETERMINED BY THE DEPARTMENT THEREAFTER, EACH PRODUCER SHALL PAY A REGISTRATION FEE ESTABLISHED BY THE DEPARTMENT UNDER SUBSECTION (F) OF THIS SECTION.

(F) (1) THE DEPARTMENT SHALL ESTABLISH AN ANNUAL REGISTRATION FEE FOR PRODUCERS THAT SELL REDEEMABLE BEVERAGE CONTAINERS IN THE STATE.

(2) THE REGISTRATION FEE SHALL BE SET IN A MANNER THAT:

(I) WHEN TAKEN IN COMBINATION WITH ANTICIPATED REVENUES FROM PENALTIES COLLECTED UNDER § 9–1750 OF THIS SUBTITLE, WILL PRODUCE FUNDS SUFFICIENT TO COVER THE DEPARTMENT'S ESTIMATED COSTS OF

PLANNING, IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND EVALUATING THE PROGRAM FOR THE UPCOMING YEAR;

(II) FOR THE FIRST YEAR OF THE PROGRAM DURING WHICH REGISTRATION FEES ARE COLLECTED, SHALL COVER THE START–UP COSTS OF THE PROGRAM THAT WERE INCURRED BY THE DEPARTMENT AND FINANCED FROM THE GENERAL FUND; AND

(III) IS PROPORTIONAL TO A PRODUCER'S SHARE OF THE TOTAL NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE FOR THE IMMEDIATELY PRECEDING CALENDAR YEAR.

(3) THE DEPARTMENT SHALL:

(I) IF THE REVENUES FROM THE REGISTRATION FEES IN THE IMMEDIATELY PRECEDING YEAR EXCEED THE COSTS SPECIFIED IN PARAGRAPH (2)(I) OF THIS SUBSECTION, CARRY THE EXCESS REVENUES FORWARD TO REDUCE REGISTRATION FEES THE FOLLOWING YEAR; AND

(II) IF THE REVENUES FROM THE REGISTRATION FEES IN THE IMMEDIATELY PRECEDING YEAR DO NOT COVER THE COSTS SPECIFIED IN PARAGRAPH (2)(I) OF THIS SUBSECTION, ADJUST REGISTRATION FEES FOR THE FOLLOWING YEAR TO AN AMOUNT THAT WILL COVER THE DEPARTMENT'S ACTUAL COSTS FROM THE IMMEDIATELY PRECEDING YEAR.

(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, REGISTRATION FEES COLLECTED UNDER THIS SUBSECTION SHALL BE:

1. TRANSFERRED TO THE STATE RECYCLING TRUST FUND UNDER § 9–1707(F) OF THIS SUBTITLE; AND

2. USED ONLY TO COVER THE DEPARTMENT'S COSTS OF PLANNING, IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND EVALUATING THE PROGRAM.

(II) THE PORTION OF THE REGISTRATION FEES THAT COVERED THE START–UP COSTS OF THE PROGRAM AND WERE FINANCED FROM THE GENERAL FUND DURING THE FIRST YEAR OF THE PROGRAM FOR WHICH REGISTRATION FEES ARE COLLECTED IN ACCORDANCE WITH PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL BE DEPOSITED INTO THE GENERAL FUND.

9–1741.

(A) ON OR BEFORE AUGUST 1, 2025, THE DEPARTMENT SHALL ACCEPT APPLICATIONS FROM BEVERAGE CONTAINER STEWARDSHIP ORGANIZATIONS TO REPRESENT PRODUCERS IN FULFILLING THE REQUIREMENTS OF THIS PART.

(B) ON OR BEFORE OCTOBER 1, 2025, THE DEPARTMENT MAY APPROVE, FOR A PERIOD NOT TO EXCEED 10 YEARS, A SINGLE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AS A SYSTEM OPERATOR FOR THE PROGRAM IF THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION DEMONSTRATES THAT IT HAS:

(1) THE ABILITY, AS DETERMINED BY THE DEPARTMENT, TO ADMINISTER THE REQUIREMENTS OF A BEVERAGE CONTAINER STEWARDSHIP PLAN UNDER § 9–1742 OF THIS SUBTITLE;

(2) A GOVERNING BOARD CONSISTING OF PRODUCERS THAT REPRESENT THE DIVERSITY OF APPLICABLE REDEEMABLE BEVERAGE CONTAINERS IN THE MARKET;

(3) SET NO UNREASONABLE BARRIERS TO JOINING THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AND WILL TAKE INTO CONSIDERATION THE NEEDS OF SMALL PRODUCERS THAT DO NOT GENERATE A HIGH VOLUME OF CONTAINERS;

(4) ADEQUATE FINANCIAL RESPONSIBILITY AND SAFEGUARDS, INCLUDING FRAUD PREVENTION MEASURES AND AN AUDIT SCHEDULE;

(5) THE ABILITY TO SECURE THE CAPITAL NECESSARY FOR THE INITIAL INVESTMENT IN INFRASTRUCTURE, SORTING EQUIPMENT, SOFTWARE, TRANSPORTATION, AND OTHER START–UP EXPENSES; AND

(6) MET ANY OTHER REQUIREMENTS SET BY THE DEPARTMENT.

(C) THE DEPARTMENT MAY RENEW THE APPROVAL OF A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AS A SYSTEM OPERATOR UNDER SUBSECTION (B) OF THIS SECTION IF THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION CONTINUES TO MEET THE REQUIREMENTS OF THIS SECTION AND ANY OTHER REQUIREMENT SET BY THE DEPARTMENT.

(D) (1) THE DEPARTMENT SHALL REVOKE THE APPROVAL OF A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AS A SYSTEM OPERATOR IF THE DEPARTMENT DETERMINES THAT THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION:

(I) FAILED TO MEET THE REQUIREMENTS OF THIS SECTION; OR

(II) FAILED TO IMPLEMENT AND ADMINISTER AN APPROVED BEVERAGE CONTAINER STEWARDSHIP PLAN IN ACCORDANCE WITH § 9–1742 OF THIS SUBTITLE.

(2) IF THE DEPARTMENT REVOKES THE APPROVAL OF A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AS A SYSTEM OPERATOR UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE DEPARTMENT MAY APPROVE ONE OR MORE ADDITIONAL BEVERAGE CONTAINER STEWARDSHIP ORGANIZATIONS TO CARRY OUT THE RESPONSIBILITIES OF THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION THAT WAS REVOKED AS A SYSTEM OPERATOR, SUBJECT TO ONE OR MORE OF THE ADDITIONAL BEVERAGE CONTAINER STEWARDSHIP ORGANIZATIONS MEETING THE REQUIREMENTS SPECIFIED IN SUBSECTION (B) OF THIS SECTION; AND

(II) THE TRUSTEE OR ESCROW AGENT OF THE TRUST FUND OR ESCROW ACCOUNT ESTABLISHED IN THE BEVERAGE CONTAINER STEWARDSHIP PLAN UNDER § 9–1742(A)(3)(VI) OF THIS SUBTITLE SHALL:

1. RECEIVE ALL PAYMENTS DIRECTLY FROM PRODUCERS THAT WOULD HAVE BEEN PAID TO THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION;

2. DEPOSIT THE PAYMENTS RECEIVED UNDER ITEM 1 OF THIS ITEM INTO THE TRUST FUND OR ESCROW ACCOUNT; AND

3. MAKE PAYMENTS FROM THE TRUST FUND OR ESCROW ACCOUNT AS DIRECTED BY THE DEPARTMENT TO IMPLEMENT THE REQUIREMENTS OF THIS PART.

9–1742.

(A) (1) ON OR BEFORE MARCH 1, 2026, EACH BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL SUBMIT A BEVERAGE CONTAINER STEWARDSHIP PLAN TO THE DEPARTMENT.

(2) A BEVERAGE CONTAINER STEWARDSHIP PLAN SHALL:

(I) IDENTIFY AND INCLUDE THE CONTACT INFORMATION FOR EACH PRODUCER INTENDED TO BE COVERED UNDER THE PLAN;

(II) **IDENTIFY EACH BRAND OF REDEEMABLE BEVERAGE CONTAINER INTENDED TO BE SOLD UNDER THE PLAN, INCLUDING THE SIZE AND MATERIAL OF THE REDEEMABLE BEVERAGE CONTAINERS FOR EACH BRAND AND WHETHER THE REDEEMABLE BEVERAGE CONTAINERS ARE REFILLABLE;**

(III) DESCRIBE:

1. THE FINANCING INFORMATION SPECIFIED IN PARAGRAPH (3) OF THIS SUBSECTION;

2. HOW THE PERFORMANCE TARGETS WILL BE MET OR EXCEEDED FOR THE 5–YEAR PERIOD FOLLOWING THE YEAR IN WHICH THE PLAN IS APPROVED;

3. HOW STAKEHOLDER COMMENTS WERE CONSIDERED AND REFLECTED IN THE DEVELOPMENT OF THE PLAN, INCLUDING THE ROLE OF RETAILERS, DISTRIBUTORS, AND LOCAL GOVERNMENTS IN PLAN IMPLEMENTATION;

4. THE ADMINISTRATION AND IMPLEMENTATION OF THE PLAN, INCLUDING ANY STAFFING THAT WILL BE NECESSARY FOR THESE PURPOSES;

5. THE ACTIONS THAT HAVE BEEN TAKEN AND THAT WILL BE TAKEN FOR PUBLIC OUTREACH, EDUCATION, AND COMMUNICATION, INCLUDING MESSAGING AND IDENTIFICATION OF TARGET AUDIENCES; AND

6. THE ANTICIPATED INVESTMENTS THAT WILL BE MADE TO IMPROVE THE REUSE OF BEVERAGE CONTAINERS, INCLUDING THE SOURCE OF FUNDING FOR THE INVESTMENTS;

(IV) LIST THE STAKEHOLDERS CONSULTED IN DEVELOPING THE PLAN;

(V) PROVIDE THE ANTICIPATED COSTS OF IMPLEMENTING THE PLAN FOR 5 YEARS, BROKEN DOWN BY YEAR;

(VI) INCLUDE A CLOSURE AND TRANSFER PLAN FOR HANDLING THE AFFAIRS OF THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION THAT ENSURES THAT EACH PRODUCER INTENDED TO BE COVERED UNDER THE BEVERAGE CONTAINER STEWARDSHIP PLAN CAN FULFILL THE PRODUCER'S OBLIGATIONS IN THE EVENT THAT THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION DISSOLVES OR HAS ITS APPROVAL AS A SYSTEM OPERATOR REVOKED UNDER § 9–1741 OF THIS SUBTITLE; AND

(VII) INCLUDE ANY OTHER INFORMATION REQUESTED BY THE DEPARTMENT.

(3) THE FINANCING INFORMATION INCLUDED IN A BEVERAGE CONTAINER STEWARDSHIP PLAN SHALL:

(I) EXPLAIN THE FINANCING FOR DIRECT INVESTMENTS OR REIMBURSEMENTS THAT WILL IMPROVE INFRASTRUCTURE IN A MANNER THAT SUPPORTS REDEMPTION SERVICES AND TECHNOLOGIES;

(II) ESTABLISH A FEE STRUCTURE IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION FOR PRODUCERS PARTICIPATING IN A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION;

(III) DESCRIBE THE COSTS OF MEETING THE PERFORMANCE TARGETS;

(IV) DESCRIBE THE INCENTIVES USED TO ENCOURAGE PRODUCERS TO:

1. INVEST IN REUSABLE AND REFILLABLE BEVERAGE CONTAINER SYSTEMS; AND

2. REDESIGN BEVERAGE CONTAINERS TO BE EASIER AND LESS COSTLY TO RECYCLE;

(V) CREATE INCENTIVES FOR PRODUCERS TO USE A MARYLAND–SPECIFIC UPC BARCODE TO REDUCE FRAUDULENT REDEMPTION;

(VI) ESTABLISH A TRUST FUND OR AN ESCROW ACCOUNT IN THE STATE INTO WHICH A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL DEPOSIT ALL UNEXPENDED FUNDS FOR USE IN ACCORDANCE WITH THIS SECTION IN THE EVENT THAT THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION DISSOLVES OR HAS ITS APPROVAL AS A SYSTEM OPERATOR REVOKED BY THE DEPARTMENT UNDER § 9–1741 OF THIS SUBTITLE; AND

(VII) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

(4) (I) THE FEE STRUCTURE REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION FOR PRODUCERS PARTICIPATING IN A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL BE:

1. SET IN A MANNER THAT COVERS THE COSTS OF ADMINISTERING A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION AND IMPLEMENTING THE BEVERAGE CONTAINER STEWARDSHIP PLAN; AND

2. BASED ON:

A. THE COSTS ASSOCIATED WITH TRANSPORTING, COLLECTING, AND PROCESSING EACH TYPE OF REDEEMABLE BEVERAGE CONTAINER MATERIAL;

B. WHETHER A PRODUCER'S REDEEMABLE BEVERAGE CONTAINERS ARE REFILLABLE;

C. WHETHER A PRODUCER'S EMPTY REDEEMABLE BEVERAGE CONTAINERS ARE EASY TO RECYCLE;

D. WHETHER A PRODUCER'S REDEEMABLE BEVERAGE CONTAINERS HAVE A MARYLAND–SPECIFIC UPC BARCODE;

E. A PRODUCER'S PORTION, BY MATERIAL TYPE, OF REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE DURING THE PREVIOUS CALENDAR YEAR; AND

F. ANY OTHER FACTOR THE DEPARTMENT DETERMINES IS NECESSARY TO SUPPORT THE PROGRAM.

(II) 1. EXCEPT AS PROVIDED IN § 9–1741(D)(2) OF THIS SUBTITLE, A PRODUCER PARTICIPATING IN A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL PAY THE FEE ESTABLISHED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION.

2. A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL DEPOSIT FEES RECEIVED UNDER THIS SUBPARAGRAPH TO AN ACCOUNT HELD BY THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION.

3. A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION MAY USE THE FEES RECEIVED UNDER THIS SUBPARAGRAPH ONLY FOR IMPLEMENTING THE BEVERAGE CONTAINER STEWARDSHIP PLAN.

(5) THE DEPARTMENT SHALL SUBMIT A BEVERAGE CONTAINER STEWARDSHIP PLAN TO AN INDEPENDENT FINANCIAL AUDITOR TO ENSURE THAT

THE FINANCING PROPOSED IN THE PLAN WILL COVER THE COSTS OF IMPLEMENTING THE PLAN.

(B) (1) (I) WITHIN 120 DAYS AFTER RECEIPT OF A BEVERAGE CONTAINER STEWARDSHIP PLAN SUBMITTED TO THE DEPARTMENT UNDER THIS SECTION, THE DEPARTMENT SHALL APPROVE, APPROVE WITH CONDITIONS, OR DENY THE PLAN.

(II) IN DETERMINING WHETHER TO APPROVE, APPROVE WITH CONDITIONS, OR DENY A BEVERAGE CONTAINER STEWARDSHIP PLAN, THE DEPARTMENT SHALL:

1. CONSIDER WHETHER:

A. THE PLAN COMPLIES WITH THE REQUIREMENTS OF THIS SECTION; AND

B. THERE WAS SUFFICIENT ENGAGEMENT WITH STAKEHOLDERS, INCLUDING LOCAL GOVERNMENTS, RETAILERS, DISTRIBUTORS, AND ON–PREMISES SELLERS, IN DEVELOPING THE PLAN; AND

2. CONSULT WITH THE ADVISORY COUNCIL.

(2) (I) THE DEPARTMENT MAY RESCIND APPROVAL OF A BEVERAGE CONTAINER STEWARDSHIP PLAN FOR GOOD CAUSE.

(II) A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION MAY AMEND A RESCINDED BEVERAGE CONTAINER STEWARDSHIP PLAN AND SUBMIT THE AMENDED PLAN TO THE DEPARTMENT FOR APPROVAL.

(3) (I) A BEVERAGE CONTAINER STEWARDSHIP PLAN APPROVED BY THE DEPARTMENT MAY BE AMENDED WITH APPROVAL OF THE DEPARTMENT.

(II) THE DEPARTMENT MAY REQUIRE THAT AN APPROVED BEVERAGE CONTAINER STEWARDSHIP PLAN BE AMENDED IF THE REPORT SUBMITTED UNDER § 9–1743 OF THIS SUBTITLE REFLECTS THAT THE PERFORMANCE TARGETS HAVE NOT BEEN MET.

(C) AN APPROVED BEVERAGE CONTAINER STEWARDSHIP PLAN EXPIRES AT THE END OF 5 YEARS.

(D) (1) A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL IMPLEMENT AND ADMINISTER A BEVERAGE CONTAINER STEWARDSHIP PLAN WITHIN 6 MONTHS AFTER THE PLAN IS APPROVED.

(2) IN IMPLEMENTING AND ADMINISTERING A BEVERAGE CONTAINER STEWARDSHIP PLAN, A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL:

(I) FACILITATE LOGISTICS, THE INITIATION OF DEPOSITS, AND THE ISSUANCE OF REFUNDS UNDER THE PLAN;

(II) COORDINATE THE LOGISTICS FOR COLLECTING REDEEMABLE BEVERAGE CONTAINERS FROM AN ON–PREMISES SELLER;

(III) ESTABLISH PROCEDURES FOR TRACKING REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE;

(IV) DESIGN AND OPERATE SERVICES FOR THE TRANSPORTATION AND PROCESSING OF REDEEMABLE BEVERAGE CONTAINERS;

(V) DEVELOP AND IMPLEMENT A PLAN FOR ESTABLISHING, OPERATING, AND MANAGING REDEMPTION FACILITIES THAT WILL OFFER A WIDE RANGE OF CONVENIENT REDEMPTION LOCATIONS AND TECHNOLOGIES THAT ARE EASY TO USE, ACCESSIBLE, AND MEET OR EXCEED THE CONVENIENCE STANDARDS ESTABLISHED BY THE DEPARTMENT UNDER § 9–1747 OF THIS SUBTITLE;

(VI) DEVELOP AND IMPLEMENT A PLAN FOR THE DISTRIBUTION, OPERATION, AND MAINTENANCE OF BEVERAGE CONTAINER REDEMPTION AND PROCESSING METHODS, INCLUDING REVERSE VENDING MACHINES, BAG DROP PROGRAMS, AND ACCOUNT–BASED BULK PROCESSING PROGRAMS;

(VII) DEVELOP ACCOUNTING AND CONTROL STANDARDS;

(VIII) IMPLEMENT ACCOUNTING, AUDIT, PAYMENT, AND REPORTING PROCEDURES;

(IX) ESTABLISH A HIGH–VOLUME VALIDATION AND AUDIT SYSTEM TO PAY A BULK RATE TO AN ON–PREMISES SELLER FOR THE REDEMPTION OF EMPTY REDEEMABLE BEVERAGE CONTAINERS;

(X) ESTABLISH AN APPLICATION PROCESS FOR LARGE ON–PREMISES SELLERS TO APPLY FOR AND RECEIVE A BULK RATE FOR THE REDEMPTION OF HIGH VOLUMES OF EMPTY REDEEMABLE BEVERAGE CONTAINERS;

(XI) MARKET REDEEMABLE BEVERAGE CONTAINER MATERIALS FOR REUSE IN THE MANUFACTURING OF SIMILAR PRODUCTS;

(XII) FUND A MARKETING PROGRAM TO EDUCATE THE PUBLIC ABOUT THE PROGRAM;

(XIII) ESTABLISH A SYSTEM FOR REPORTING KEY INFORMATION GATHERED BY THE PROGRAM TO THE DEPARTMENT ON A QUARTERLY BASIS; AND

(XIV) CREATE INCENTIVES FOR THE DEVELOPMENT OF REFILLABLE AND REUSABLE BEVERAGE CONTAINER SYSTEMS.

(3) ON REQUEST OF THE DEPARTMENT, A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL SUBMIT A COPY OF ITS FINANCIAL RECORDS TO THE DEPARTMENT FOR A FINANCIAL AUDIT.

9–1743.

(A) THIS SECTION APPLIES TO A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION THAT HAS A BEVERAGE CONTAINER STEWARDSHIP PLAN APPROVED BY THE DEPARTMENT UNDER § 9–1742 OF THIS SUBTITLE.

(B) (1) ON OR BEFORE APRIL 1 EACH YEAR, BEGINNING IN 2028, A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION SHALL SUBMIT A REPORT TO THE DEPARTMENT ON THE PROGRESS MADE IN THE PRECEDING CALENDAR YEAR TOWARD MEETING THE PERFORMANCE TARGETS AND THE GOALS OF THE PROGRAM AND THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION'S BEVERAGE CONTAINER STEWARDSHIP PLAN.

(2) THE DEPARTMENT SHALL PROVIDE THE ADVISORY COUNCIL WITH A COPY OF EACH REPORT SUBMITTED UNDER THIS SUBSECTION.

(C) THE REPORT SUBMITTED UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE, FOR THE PRECEDING CALENDAR YEAR:

(1) THE PROGRESS MADE TOWARD ACHIEVING THE PERFORMANCE TARGETS;

(2) IF THE PERFORMANCE TARGETS WERE NOT ACHIEVED, A DESCRIPTION OF THE ACTIONS PROPOSED TO ACHIEVE THE PERFORMANCE TARGETS;

(3) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE;

(4) THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE SORTED BY MATERIAL TYPE, REFUND VALUE, AND WHETHER THE CONTAINER CAN BE REFILLED OR REUSED;

(5) THE NUMBER OF EMPTY REDEEMABLE BEVERAGE CONTAINERS REDEEMED;

(6) THE NUMBER OF EMPTY REDEEMABLE BEVERAGE CONTAINERS REDEEMED AT EACH REDEMPTION FACILITY, REVERSE VENDING MACHINE, BAG DROP PROGRAM, ACCOUNT–BASED BULK PROCESSING PROGRAM, OR OTHER BEVERAGE CONTAINER REDEMPTION AND PROCESSING METHOD SORTED BY MATERIAL TYPE, REFUND VALUE, AND WHETHER THE EMPTY REDEEMABLE BEVERAGE CONTAINER CAN BE REFILLED OR REUSED;

(7) THE REDEMPTION RATE AND RECYCLING RATE FOR NONREFILLABLE REDEEMABLE BEVERAGE CONTAINERS SOLD IN THE STATE SORTED BY MATERIAL TYPE, NUMBER OF CONTAINERS SOLD, AND CONTAINER WEIGHT;

(8) THE AMOUNT OF EACH TYPE OF:

(I) REDEEMABLE BEVERAGE CONTAINER MATERIAL COLLECTED IN THE STATE; AND

(II) SCRAP MATERIAL SOLD BY A BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION;

(9) THE LOCATION OF EACH REDEMPTION FACILITY IN THE STATE AND THE REDEMPTION METHOD USED AT EACH REDEMPTION FACILITY;

(10) A DESCRIPTION OF ANY IMPROVEMENTS MADE TO MAKE RETURNING EMPTY REDEEMABLE BEVERAGE CONTAINERS EASIER AND MORE CONVENIENT;

(11) THE IDENTIFICATION AND DESCRIPTION OF AREAS THAT DO NOT HAVE READILY AVAILABLE OPTIONS FOR REDEEMING AN EMPTY REDEEMABLE BEVERAGE CONTAINER AND ACTIONS THE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION WILL TAKE TO IMPROVE OPTIONS IN THESE AREAS;

(12) THE NUMBER OF CONSUMER COMPLAINTS PER MONTH, SORTED BY REDEMPTION FACILITY;

(13) THE NUMBER OF INDIVIDUALS AND ORGANIZATIONS WITH ACCOUNTS ESTABLISHED FOR THE RECEIPT OF ELECTRONIC DEPOSITS OR REFUNDS;

(14) THE TOTAL COST OF IMPLEMENTING THE BEVERAGE CONTAINER STEWARDSHIP PLAN, AS DETERMINED BY AN INDEPENDENT FINANCIAL AUDITOR UNDER § 9–1742(A)(5) OF THIS SUBTITLE;

(15) THE AVERAGE COST OF PROCESSING AN EMPTY REDEEMED REDEEMABLE BEVERAGE CONTAINER;

(16) A COPY OF THE AUDIT CONDUCTED UNDER § 9–1742(A)(5) OF THIS SUBTITLE;

(17) FINANCIAL STATEMENTS DETAILING ALL DEPOSITS RECEIVED AND REFUNDS ISSUED BY EACH PRODUCER COVERED UNDER THE BEVERAGE CONTAINER STEWARDSHIP PLAN;

(18) THE TOTAL AMOUNT OF DEPOSITS INITIATED, REFUNDS ISSUED, AND UNCLAIMED DEPOSITS COLLECTED UNDER THE BEVERAGE CONTAINER STEWARDSHIP PLAN;

(19) AN ACCOUNTING OF ALL ACTIVITIES AND INVESTMENTS FINANCED BY UNCLAIMED DEPOSITS;

(20) EXPENDITURES AND REVENUES SORTED BY SOURCE, INCLUDING FEES PAID UNDER § 9–1742(A)(4) OF THIS SUBTITLE, REVENUE FROM THE SALE OF SCRAP MATERIALS, AND UNCLAIMED DEPOSITS;

(21) SAMPLES OF ALL EDUCATIONAL MATERIALS PROVIDED TO CONSUMERS, RETAILERS, AND OTHER ENTITIES;

(22) A DETAILED DESCRIPTION OF INVESTMENTS MADE IN NEW REDEMPTION FACILITIES AND REDEMPTION METHODS;

(23) THE LOCATION OF NEW REDEMPTION FACILITIES AND REDEMPTION METHODS;

(24) A DETAILED DESCRIPTION OF CHANGES MADE BY PRODUCERS TO INCREASE THE RECYCLABILITY OF REDEEMABLE BEVERAGE CONTAINERS;

(25) A DETAILED DESCRIPTION OF ANY INCIDENTS OF FRAUD AND EFFORTS TAKEN TO PREVENT FRAUD; AND

(26) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

(D) THE FINANCIAL, PRODUCTION, AND SALES DATA OF INDIVIDUAL PRODUCERS REPORTED TO THE DEPARTMENT UNDER THIS SECTION SHALL BE KEPT CONFIDENTIAL BY THE DEPARTMENT AND THE ADVISORY COUNCIL.

(E) THE DEPARTMENT SHALL POST THE REPORT SUBMITTED UNDER THIS SECTION ON THE DEPARTMENT'S WEBSITE IN A MANNER THAT PROTECTS THE CONFIDENTIALITY OF THE DATA SPECIFIED UNDER SUBSECTION (D) OF THIS SECTION.

9–1744.

(A) THE DEPARTMENT SHALL ESTABLISH A PROCESS FOR A COUNTY OR MUNICIPAL CORPORATION TO CREATE A REDEMPTION FACILITY.

(B) EMPTY REDEEMABLE BEVERAGE CONTAINERS REDEEMED AT A REDEMPTION FACILITY MANAGED BY A COUNTY OR MUNICIPAL CORPORATION SHALL BE CREDITED TOWARD MEETING THE RECYCLING RATES REQUIRED UNDER § 9–505 OF THIS TITLE.

(C) (1) THROUGH DECEMBER 31, 2029, A PORTION OF PROGRAM REVENUES SHALL BE USED TO COMPENSATE A COUNTY OR MUNICIPAL CORPORATION FOR ANY NET LOSS OF REVENUE TO THE COUNTY'S OR MUNICIPAL CORPORATION'S WASTE MANAGEMENT SYSTEM THAT CAN BE DOCUMENTED AND ATTRIBUTED TO THE PROGRAM.

(2) IN DETERMINING A NET LOSS OF REVENUE, A COUNTY OR MUNICIPAL CORPORATION SHALL CONSIDER:

(I) THE LOSS OF REVENUE FROM THE SALE OF SCRAP MATERIALS;

(II) FINANCIAL SAVINGS FROM A REDUCTION IN:

1. GLASS BOTTLES IN THE RECYCLING STREAM;

2. TRANSPORTATION COSTS ASSOCIATED WITH CURBSIDE COLLECTION OF TRASH AND RECYCLING;

3. PROCESSING COSTS ASSOCIATED WITH RECYCLING BEVERAGE CONTAINERS;

4. THE COSTS OF LANDFILLING AND INCINERATING BEVERAGE CONTAINERS THAT ARE NOT RECYCLED; AND

5. THE COSTS OF LITTER COLLECTION; AND

(III) FOR A COUNTY OR MUNICIPAL CORPORATION THAT HAS A TOTAL MAXIMUM DAILY LOAD FOR TRASH IN A WATERWAY UNDER ITS JURISDICTION, THE REDUCED COSTS AND INCREASED BENEFITS OF COMPLYING WITH THE TOTAL MAXIMUM DAILY LOAD DUE TO A REDUCTION IN BEVERAGE CONTAINER LITTER.

9–1745.

FUNDING FOR THE PROGRAM SHALL:

(1) INCLUDE:

(I) REDEEMABLE BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION FEES COLLECTED UNDER § 9–1742 OF THIS SUBTITLE;

(II) REVENUE FROM THE SALE OF RAW MATERIALS;

(III) UNCLAIMED DEPOSITS COLLECTED UNDER § 9–1739 OF THIS SUBTITLE;

(IV) REGISTRATION FEES COLLECTED UNDER § 9–1740 OF THIS SUBTITLE; AND

(V) PENALTIES COLLECTED UNDER § 9–1750 OF THIS SUBTITLE; AND

(2) BE USED IN ACCORDANCE WITH §§ 9–1707(F), 9–1739, 9–1740, AND 9–1750 OF THIS SUBTITLE.

9–1746.

(A) THERE IS A BEVERAGE CONTAINER RECYCLING REFUND GRANT PROGRAM.

(B) THE PURPOSE OF THE GRANT PROGRAM IS TO PROVIDE FUNDING FOR PROJECTS THAT:

(1) INCREASE THE REUSE AND RECYCLING OF BEVERAGE CONTAINERS IN THE STATE;

(2) INCREASE THE AVAILABILITY OF PUBLIC WATER FOUNTAINS AND REFILL STATIONS IN THE STATE; AND

(3) REDUCE THE VOLUME OF LITTER FROM BEVERAGE CONTAINERS IN THE STATE.

(C) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE GRANT PROGRAM SHALL BE FUNDED FROM A PORTION OF THE UNCLAIMED DEPOSITS TRANSFERRED TO THE SEPARATE ACCOUNT ESTABLISHED UNDER § 9–1707(F)(7) OF THIS SUBTITLE.

(2) THE GRANT PROGRAM MAY AWARD UP TO $5,000,000 IN GRANTS EACH YEAR FROM THE UNCLAIMED DEPOSITS TRANSFERRED TO THE SEPARATE ACCOUNT ESTABLISHED UNDER § 9–1707(F)(7) OF THIS SUBTITLE.

(E) THE FOLLOWING ENTITIES ARE ELIGIBLE FOR A GRANT UNDER THE GRANT PROGRAM:

(1) A SCHOOL OR AN INSTITUTION OF HIGHER EDUCATION;

(2) A NONPROFIT ORGANIZATION;

(3) A COUNTY OR MUNICIPAL CORPORATION;

(4) A FOR–PROFIT ORGANIZATION; AND

(5) A PUBLIC–PRIVATE PARTNERSHIP.

(F) THE DEPARTMENT, IN CONSULTATION WITH THE ADVISORY COUNCIL, SHALL ADOPT REGULATIONS ESTABLISHING:

(1) AN APPLICATION PROCESS FOR AN ENTITY TO APPLY FOR A GRANT;

(2) THE CRITERIA FOR EVALUATING AND AWARDING GRANTS;

(3) REPORTING AND EVALUATION REQUIREMENTS FOR A GRANT AWARDED UNDER THIS SECTION; AND

(4) ANY OTHER REQUIREMENTS THE DEPARTMENT DETERMINES ARE NECESSARY FOR ADMINISTERING AND IMPLEMENTING GRANTS AWARDED UNDER THE GRANT PROGRAM.

(G) THE DEPARTMENT SHALL BEGIN AWARDING GRANTS ON OR BEFORE JANUARY 1, 2028.

9–1747.

IN ADDITION TO THE DUTIES AND REQUIREMENTS SPECIFIED IN THIS PART, THE DEPARTMENT SHALL:

(1) IN CONSULTATION WITH THE ADVISORY COUNCIL:

(I) ESTABLISH CONVENIENCE STANDARDS FOR THE COVERAGE AND AVAILABILITY OF REDEMPTION OPTIONS ACROSS THE STATE; AND

(II) ENSURE THE CONVENIENCE STANDARDS PROVIDE ACCESSIBLE REDEMPTION OPTIONS FOR DIFFERENTLY ABLED PEOPLE AND PEOPLE WHO LIVE IN RURAL AREAS OR LOW–INCOME COMMUNITIES OF COLOR; AND

(2) ESTABLISH A SYSTEM FOR LARGE ON–PREMISES SELLERS TO VERIFY THE SOURCE OF THE HIGH VOLUMES OF REDEEMABLE BEVERAGE CONTAINERS REDEEMED BY THE ON–PREMISES SELLER.

9–1748.

(A) THERE IS A REDEEMABLE BEVERAGE CONTAINER RECYCLING REFUND ADVISORY COUNCIL.

(B) THE ADVISORY COUNCIL CONSISTS OF THE FOLLOWING MEMBERS, DESIGNATED BY THE SECRETARY:

(1) ONE MEMBER REPRESENTING RECYCLING PROCESSORS;

(2) ONE MEMBER REPRESENTING LOCAL GOVERNMENT AGENCIES RESPONSIBLE FOR RECYCLING PROGRAMS;

(3) ONE MEMBER REPRESENTING GLASS MANUFACTURERS OR A GLASS MANUFACTURING TRADE ORGANIZATION;

(4) ONE MEMBER REPRESENTING ALUMINUM MANUFACTURERS OR AN ALUMINUM MANUFACTURING TRADE ORGANIZATION;

(5) ONE MEMBER REPRESENTING PLASTIC MANUFACTURERS OR A PLASTIC MANUFACTURING TRADE ORGANIZATION;

(6) ONE MEMBER REPRESENTING BEVERAGE COMPANIES;

(7) ONE MEMBER REPRESENTING PURCHASERS OF RECYCLED CONTENT;

(8) ONE MEMBER REPRESENTING RETAILERS;

(9) ONE MEMBER REPRESENTING RESTAURANTS OR OTHER ON–PREMISES SELLERS;

(10) ONE MEMBER REPRESENTING REVERSE VENDING MACHINE BUSINESSES;

(11) ONE MEMBER REPRESENTING ACCOUNT–BASED BULK PROCESSORS;

(12) ONE MEMBER REPRESENTING BUSINESSES INVOLVED IN REUSE AND REFILL SYSTEMS;

(13) AT LEAST ONE MEMBER REPRESENTING AN ENVIRONMENTAL ADVOCACY ORGANIZATION;

(14) AT LEAST ONE MEMBER REPRESENTING AN ENVIRONMENTAL JUSTICE ADVOCACY ORGANIZATION; AND

(15) AT LEAST TWO MEMBERS WHO ARE MEMBERS OF THE GENERAL PUBLIC AND RESIDE IN THE STATE.

(C) THE SECRETARY SHALL DESIGNATE TWO COCHAIRS FROM AMONG THE MEMBERSHIP OF THE ADVISORY COUNCIL.

(D) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY COUNCIL.

(E) A MEMBER OF THE ADVISORY COUNCIL:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE ADVISORY COUNCIL; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) THE ADVISORY COUNCIL SHALL MEET:

(1) AT LEAST QUARTERLY EACH YEAR; AND

(2) AS REQUESTED BY THE DEPARTMENT.

(G) THE ADVISORY COUNCIL SHALL:

(1) ADVISE THE DEPARTMENT ON DETERMINING WHETHER TO APPROVE A BEVERAGE CONTAINER STEWARDSHIP PLAN;

(2) MAKE RECOMMENDATIONS TO THE DEPARTMENT ON THE IMPLEMENTATION OF APPROVED BEVERAGE CONTAINER STEWARDSHIP PLANS;

(3) REVIEW AND ADVISE THE DEPARTMENT ON THE ANNUAL REPORTS SUBMITTED UNDER § 9–1743 OF THIS SUBTITLE; AND

(4) ADVISE THE DEPARTMENT ON THE IMPLEMENTATION, ADMINISTRATION, AND PERFORMANCE OF THE PROGRAM.

9–1749.

THE DEPARTMENT SHALL ADOPT REGULATIONS ON OR BEFORE JUNE 1, 2025, TO CARRY OUT THIS PART.

9–1750.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, THE PROVISIONS OF §§ 9–334 THROUGH 9–344 OF THIS TITLE APPLY TO ENFORCE VIOLATIONS OF THIS PART.

(B) A PENALTY MAY NOT BE IMPOSED ON A PRODUCER FOR FAILING TO PROPERLY REGISTER WITH THE DEPARTMENT UNDER § 9–1740 OF THIS SUBTITLE, INCLUDING FAILING TO IDENTIFY EACH BRAND OF REDEEMABLE BEVERAGE

CONTAINER THAT THE PRODUCER INTENDS TO SELL, OFFER FOR SALE, OR DISTRIBUTE IN THE STATE, UNLESS:

(1) THE DEPARTMENT FIRST ISSUES A WRITTEN NOTICE OF THE VIOLATION TO THE PRODUCER; AND

(2) THE PRODUCER DOES NOT REGISTER WITHIN 90 DAYS AFTER RECEIVING THE WRITTEN NOTICE.

(C) (1) A PERSON MAY NOT REDEEM, ATTEMPT TO REDEEM, RECEIVE, STORE, TRANSPORT, DISTRIBUTE, OR OTHERWISE FACILITATE OR AID IN THE REDEMPTION OF THE FOLLOWING MATERIALS WITH AN INTENT TO DEFRAUD:

(I) AN EMPTY REDEEMABLE BEVERAGE CONTAINER THAT WAS SOLD IN ANOTHER STATE;

(II) AN EMPTY REDEEMABLE BEVERAGE CONTAINER THAT WAS REJECTED FOR REDEMPTION;

(III) LINE BREAKAGE;

(IV) A PREVIOUSLY REDEEMED REDEEMABLE BEVERAGE CONTAINER; OR

(V) ANOTHER INELIGIBLE MATERIAL.

(2) A PERSON MAY NOT DISPOSE OF A REDEEMED REDEEMABLE BEVERAGE CONTAINER IN A LANDFILL OR AN INCINERATOR.

(3) THE DEPARTMENT SHALL ESTABLISH ADMINISTRATIVE PENALTIES FOR A VIOLATION OF THIS SUBSECTION THAT ARE BASED ON THE NUMBER OF BEVERAGE CONTAINERS AND REFUND AMOUNTS INVOLVED.

(D) (1) BEGINNING JANUARY 1, 2030, A PRODUCER OR BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION THAT HAS NOT REACHED THE REDEMPTION RATES ESTABLISHED IN § 9–1736 OF THIS SUBTITLE FOR THE IMMEDIATELY PRECEDING 2 YEARS IS SUBJECT TO AN ADMINISTRATIVE PENALTY.

(2) EACH YEAR THAT A PRODUCER OR BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION DOES NOT MEET THE REDEMPTION RATES ESTABLISHED IN § 9–1736 OF THIS SUBTITLE IS A SEPARATE VIOLATION UNDER THIS SUBSECTION.

(3) AN ADMINISTRATIVE PENALTY ASSESSED UNDER THIS SUBSECTION SHALL EQUAL THE TOTAL NUMBER OF REDEEMABLE BEVERAGE CONTAINERS NEEDED TO BE REDEEMED TO MEET THE REDEMPTION RATES ESTABLISHED IN § 9–1736 OF THIS SUBTITLE, MINUS THE NUMBER OF REDEEMABLE BEVERAGE CONTAINERS ACTUALLY REDEEMED, MULTIPLIED BY 10 CENTS.

(E) THE DEPARTMENT MAY ALTER THE ADMINISTRATIVE PENALTIES ASSESSED UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION AS NECESSARY TO ENSURE THAT THE PENALTY AMOUNTS ASSESSED EXCEED THE COSTS OF COMPLYING WITH THIS PART.

(F) PENALTIES COLLECTED UNDER THIS SECTION SHALL BE:

(1) TRANSFERRED TO THE STATE RECYCLING TRUST FUND UNDER § 9–1707(F) OF THIS SUBTITLE; AND

(2) USED ONLY TO COVER THE DEPARTMENT'S COSTS OF PLANNING, IMPLEMENTING, ADMINISTERING, MONITORING, ENFORCING, AND EVALUATING THE PROGRAM.

9–1751.

A PRODUCER OR BEVERAGE CONTAINER STEWARDSHIP ORGANIZATION PARTICIPATING IN A BEVERAGE CONTAINER STEWARDSHIP PLAN IN ACCORDANCE WITH THIS SUBTITLE IS IMMUNE FROM LIABILITY UNDER STATE LAWS CONCERNING ANTITRUST AND RESTRAINT OF TRADE FOR COOPERATIVE ACTIVITIES ASSOCIATED WITH THE COLLECTION, TRANSPORT, PROCESSING, RECYCLING, REUSE, AND MANAGEMENT OF EMPTY REDEEMABLE BEVERAGE CONTAINERS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2024.

City Council Agenda Item Report

Meeting Date: March 11, 2024
Submitted by: Shaniya Lashley-Mullen
Submitting Department: Administration
Item Type: OTHER BUSINESS
Agenda Section: OTHER BUSINESS 60 minutes (8:45 - 9:45 pm)

Subject:
Motion to Donate a Greenbelt Flag to the County Library

Suggested Action:
Mayor Jordan requested this item to be added to the agenda.

Attachments:

City Council Agenda Item Report

Meeting Date: March 11, 2024
Submitted by: Shaniya Lashley-Mullen
Submitting Department: Administration
Item Type: MEETINGS
Agenda Section: OTHER BUSINESS 60 minutes (8:45 - 9:45 pm)

Subject:
Meetings - Discussion of Summer Meeting Schedule

Suggested Action:
Greenbelt City Council's Standing Rules already allow for a single regular meeting in July, on the second Monday of the month rather than both the second and fourth Mondays as in most months. Extending that policy to include not scheduling any Council work sessions during the last two to three weeks of July (unless an emergency arises) would allow for a break and scheduling of vacations for both Council Members and relevant City Staff. In addition, the National League of Cities Summer Board and Leadership Meeting has been scheduled for the latter half of July the last several years (exact dates not yet announced this year), which may take one or more Council Members out on travel during that period as well. All other scheduled break now we can make sure any necessary, non-emergency business requiring a meeting is taken care of in the first half of July, or that it can wait until our first meeting in August.

NOTE: The City Council will discuss scheduling the Council Goals work session in follow-up to the January 27th Council Retreat and discuss the schedule for the December holiday.

Attachments:
meetings.pdf

CITY OF GREENBELT, MARYLAND
25 Crescent Road, Greenbelt, MD 20770-1891

3/7/2024 12:11 PM

City Council Meetings & Work Sessions
March – April

NLC Congressional Cities Conference (DC)	Mon. – Wed.	03/11 - 03/13	
Work Session – Northway Fields Security Improvement	Wed.	03/13	7:30 pm
Work Session – Prince George's County Council	Mon.	03/18	7:30 pm
Greenbelt Mid-Session Legislative Dinner (Annapolis)	Wed.	03/20	6:00 pm
Regular Meeting – Budget Presentation	Mon.	03/25	7:30 pm
Budget Work Session – Overview, Revenues & General Government / Other Funds / Non-Departmental & Fund Transfers /Economic Development	Wed.	03/27	7:30 pm
No Meeting – Easter Monday	Mon.	04/01	
Work Session – Reparations Commission (tentative)	Wed.	04/03	7:30 pm
Regular Meeting	Mon.	04/08	7:30 pm
Budget Work Session – Planning and Community Development	Wed.	04/10	7:30 pm
Budget Work Session – Misc. – Grants & Contributions/Social Services/ Greenbelt Cinema	Mon.	04/15	7:30 pm
Budget Work Session – Public Works/Capital Projects	Wed.	04/17	7:30 pm
Regular Meeting / 1st Public Hearing	Mon.	04/22	7:30 pm
Budget Work Session – Recreation/Museum	Wed.	04/24	7:30 pm
Four Cities Meeting (Greenbelt)	Thurs.	04/25	7:00 pm
Budget Work Session – Public Safety	Mon,	04/29	7:30 pm

This schedule is subject to change. For confirmation, call 301-474-8000. Regular and Special meetings and Work Sessions are open to the public. If special accommodations are required for any disabled person, please call 301-474-8000 or 301-474-3870 no later than 10 a.m. on the meeting day. Deaf individuals are advised to use Video Relay Services (VRS) at 711 or e-mail banderson@greenbeltmd.gov to reach the City Clerk. Unless otherwise noted, meetings will be held in the Council Chambers in the Municipal Building (MB) at 25 Crescent Road and virtually by Zoom. Zoom meeting information for public participation is posted on the City's website at www.greenbeltmd.gov on the meeting calendar.

Bonita Anderson, City Clerk

CITY OF GREENBELT, MARYLAND
25 Crescent Road, Greenbelt, MD 20770-1891

3/7/2024 12:11 PM

Ready to be scheduled:
Townhall Meeting: Virtual Meetings Accessibility for Blind and Visually Impaired
City Contracting Policy
Walk-way fixture
Verde Apartments
Greenbelt Road Corridor
WSSC (*March/April*)
Bureau of Engraving and Printing
Beltway Plaza (stakeholder)
Greenbelt Access TV
Greenbelt Center HOAs/COAs (*May 1st*)
Council Retreat Follow-Up
COG Leadership
County Executive Liaison, Denise Ross
NASA Goddard
NLC 100th Anniversary Visit (*April 15th*)
Economic Development

For later scheduling:
Zoning Enforcement
Parkway Apartment Owners/GHI *(parking)*
Northway Fields Master Plan
City Manager Updates (Jan, Pre-budget; July & Sept/Oct)
Meeting with County on Transportation Plan
Museum Plan
Bernard Penney *(Memorial Donation in honor of Leonie Penney)*
Potential Bond Referendum/Capital Financing
Cemetery Plans
MARC Train Service/ MDOT
Arts & Entertainment District
EV Chargers Five Year Plan
Fleet Vehicles Ten Year Plan
GHI/Prince George's County (Stormwater issues)
Office of Human Rights

(301) 474-8000 fax (301) 441-8248 MD RELAY 711
www.greenbeltmd.gov

Agenda Item No: *17.

City Council Agenda Item Report

Meeting Date: March 11, 2024
Submitted by: Shaniya Lashley-Mullen
Submitting Department: Administration
Item Type: MEETINGS
Agenda Section: OTHER BUSINESS 60 minutes (8:45 - 9:45 pm)

Subject:
Stakeholder List

Suggested Action:

Attachments:
Stakeholder Schedule.pdf

Annual														
Advisory Group Chairs	7/22	7/23												
Franklin Park at Greenbelt Station Mgmt.	12/21	12/22	2/24											
Greenbelt Center HOAs	3/23													
Greenbelt East HOAs and COAs/Greenbelt East Advisory Coalition	4/22	6/23												
Greenbelt Homes, Inc.	8/22	8/23												
Greenbelt Station HOA/Verde Apts.	8/22	8/23												
School Board Member	9/21	2/23	8/23											
State Highway Administration	11/20	11/22	12/23											
Biennial														
Beltsville Ag. Research Center	8/18	11/22	11/23											
Beltway Plaza	9/22													
NASA/GSFC	3/22	4/23												
Greenbelt Business Alliance	10/22													
Greenbelt Park NPS	1/22	3/23												
Greenway Shopping Center	12/20	2/23												
Religious/Spiritual Organizations	6/22	2/24												
Twice a Year														
County Council Person and At Large Members	5/23													
Meetings as Needed														
Apartments	4/21													
Comcast/Verizon	3/21													
Greenbelt Office Parks														
Greenbelt Watershed Groups	10/19													
Hotels	8/23													
PEPCO	2/22	9/23												
WSSC	2/22	6/23	10/23											
Washington Gas	8/23													
Prince George’s Economic Development Corp.	11/21													
Prince George’s Planning Board	10/19													
Roosevelt Center Owner	8/20													
University of Maryland	4/15													
WMATA/PGDPW&T (Semi-Annual)	5/22													
Newly Elected/Appointed Officials (Presentation of a Council Regular Meeting)														
County Executive														
School Board CEO	1/24													
State’s Attorney	1/23													

Agenda Item No: *18.

City Council Agenda Item Report

Meeting Date: March 11, 2024
Submitted by: Shaniya Lashley-Mullen
Submitting Department: Administration
Item Type: OTHER BUSINESS
Agenda Section: OTHER BUSINESS 60 minutes (8:45 - 9:45 pm)

Subject:
Appointment to Advisory Board/Committee

Suggested Action:
Reference: Application and Code of Conduct

The City Council interviewed Nathan Gerdes on February 5, 2024, for the Community Relations Advisory Board (CRAB).

The City Council interviewed Adriene Lim on October 30, 2023, for the Arts Advisory Board (AAB).

Approval of this item on the consent agenda will indicate the Council's intent to appoint Mr. Gerdes to the Community Relations Advisory Board and Ms. Lim to the Arts Advisory Board.

Attachments:

Agenda Item No: *19.

City Council Agenda Item Report

Meeting Date: March 11, 2024
Submitted by: Terri Hruby
Submitting Department: Planning
Item Type: OTHER BUSINESS
Agenda Section: OTHER BUSINESS 60 minutes (8:45 - 9:45 pm)

Subject:
Letter - Proposed Minor Amendment to the 1989 Approved Master Plan and Sectional Map Amendment for the Langley Park-College Park-Greenbelt-and Vicinity

Suggested Action:
Reference: Draft Letter

M-NCPPC Prince George's County Planning Department is proposing a minor amendment to the *1989 Approved Master Plan and Sectional Map Amendment for the Langley Park-College Park-Greenbelt and Vicinity. The minor amendments* are intended to update certain obsolete development pattern recommendations/terminology for “Activity Centers” found in the 1989 Master Plan. The proposed terminology will align the Master Plan with *Plan Prince George’s 2035 Approved General Plan's* Established Communities and Employment Areas definitions, as well as recent Countywide zoning amendments for Commercial and Neighborhood designations. The project also proposes a concurrent Sectional Map Amendment for a portion of Planning Area 66. Greenbelt is in Planning Area 67 and would not be affected by the Sectional Map Amendment which is focused on two blocks in College Park.

Staff does not have any concerns with the proposed minor amendments but believes that this is an opportune time to request that M-NCPPC initiate the process of drafting a new Master Plan that encompasses the City of Greenbelt. A new Master Plan will thoughtfully consider the changes that have taken place over the past 35 years and guide development in the coming years as we continue to anticipate changes in our demographics and land uses—including the recent selection of Greenbelt Metro Station as the new home of the FBI headquarters—that aren’t encompassed in the prevailing, aging plan.

A joint public hearing on the proposed amendments is scheduled for March 19, 2024. Staff recommends that the City Council transmit a letter to the Prince George's County Council and Planning Board requesting the initiation of a new Master Plan.

Attachments:
23-0311_RE Proposed Minor Amendment to 1989 Approved Master Plan_Council Letter_DRAFT

(002).pdf

March 11, 2024

Jolene Ivey, Chair
Prince George's County Council
1301 McCormick Drive
Largo, MD 20774

RE: Proposed Minor Amendment to the 1989 Approved Master Plan and Sectional Map Amendment for the Langley Park-College Park-Greenbelt-and Vicinity

Dear Chair Ivey:

The Greenbelt City Council would like to thank you for the opportunity to comment on a proposed minor amendment for the 1989 *Approved Master Plan and Sectional Map Amendment for the Langley Park-College Park-Greenbelt-and Vicinity* and its concurrent proposed Sectional Map Amendment (CR-001-2024). The City does not have any objection to the proposed minor amendments to the current Master Plan.

Given that the current Master Plan is 35 years old, and the *Approved Greenbelt Metro Area and MD 193 Corridor Sector Plan and Proposed Sectional Map Amendment* is now 11 years old, we would like to express our concern that these proposed minor amendments, and any future proposed amendments, are not a substitute for a current, forward-thinking Master Plan for the City and environs. With adoption of and transition to the new County Zoning Ordinance and Subdivision Regulations complete, we believe it is now an opportune time to initiate the process of drafting a new Master Plan that encompasses the City of Greenbelt. A new Master Plan will thoughtfully consider the changes that have taken place over the past 35 years and guide development in the coming years as we continue to anticipate changes in our demographics and land uses—including the recent selection of Greenbelt Metro Station as the new home of the FBI headquarters—that aren't encompassed in the prevailing, aging plan.

Again, we thank you for the opportunity to comment on behalf of the City of Greenbelt. If you have any questions, please contact Ms. Jaime Fearer, Assistant Planning Director, at 240-542-2040 or jfearer@greenbeltmd.gov.

Sincerely,

Emmett V. Jordan
Mayor

cc: City Council
Peter Shapiro, Chair, Prince George’s County Planning Board
Donna J. Brown, Clerk of the Council, Prince George’s County Council
County Councilmember Ingrid S. Watson
Prince George’s County Planning Board
Emily Lutz, M-NCPPC, Prince George’s County Planning Department
Josué Salmerón, City Manager
Terri Hruby, Director of Planning and Community Development
Jaime Fearer, Assistant Planning Director