



House Bill 1309

Environment – Recycling – Special Events

MACo Position: **OPPOSE**

To: Environment and Transportation
Committee

Date: March 1, 2017

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **OPPOSES** HB 1309. The bill would impose a challenging new enforcement requirement on local governments, create a confusing civil penalty structure, and counter this Committee's specific actions from only several years ago.

HB 1309 would require a county and municipal government that issues a special event permit to also enforce recycling requirements at the event. The bill also lowers the threshold for the application of special events recycling requirements from 200 people to 100 people, increases the civil penalties for violating the recycling requirements, and makes the amount of the penalty contingent on attendance.

Mandating counties or municipalities to enforce recycling requirements for special events will impose potentially significant implementation and personnel on local governments, especially in jurisdictions that host numerous special events. The definition of "special event" is already broad under the current law and the bill further expands it by lowering the attendance threshold from 200 to 100 people, likely capturing a wide new swath of events much smaller in scale than previously envisioned.

While the increased civil penalties are likely intended to offset some of the enforcement costs, recovery requires initiating a court action – which costs additional time and money. It is unlikely that a local government would undertake such an action except for the largest events or most egregious of violations. As the bill's penalties are based on attendance, it may also be challenging for a local government to even know which penalty is appropriate and allows the event holder to challenge attendance numbers – something which cannot happen under existing law.

Furthermore, this Committee recognized the burdens that mandatory enforcement would place on local governments and specifically rejected its inclusion in SB 781 of 2014, which established the special events recycling requirement.

HB 1309 would place a potentially significant cost and implementation burden on local governments, create a civil penalty system that is less clear and more open to challenge than current law, and impose a mandate that this Committee considered and rejected during its deliberations of the 2014 legislation creating the special events recycling requirement. Accordingly, MACo requests the Committee give HB 1309 an **UNFAVORABLE** report.