



THE PRINCE GEORGE'S COUNTY GOVERNMENT

Chairman
Derrick Leon Davis
Council Member, District 6

MAR 7 2016

The Hon. Jim Rosapepe, Chair
Prince George's County Senate Delegation
James Senate Office Building, Room 314
Annapolis, Maryland 21401-1991

The Hon. Jay Walker, Chair
Prince George's County House Delegation
Lowe House Office Building, Room 207E
Annapolis, Maryland 21401-1991

Re: Prince George's County Delegation Bill Position

Dear Senator Rosapepe & Delegate Walker:

It is my pleasure, on behalf of the Prince George's County Council, to transmit our position on pending proposed State legislation for the 2016 General Assembly Session. The Council met on March 1, 2016. The enclosed report reflects our position on General Assembly bills as they are currently drafted.

The Council appreciates the opportunity to work together with you and your colleagues to address issues important to our citizens and the operation of Prince George's County. Should you have any questions or need additional information please do not hesitate to contact me. For your convenience my office phone number is (301) 952-3426. Thanks again, for favorable consideration of the Council's position.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Davis", with a long horizontal line extending to the right.

Derrick L. Davis
Chair

Attachments

cc: Hon. Rushern L. Baker, III, County Executive
Mr. Kenneth Battle, Director, Intergovernmental Affairs

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RULES & GENERAL ASSEMBLY COMMITTEE REPORT

The Prince George's County Council met on March 1, 2016 with the following
Members present:

Council Member, Derrick L. Davis, Chair
Council Member, Dannielle M. Glaros, Vice Chair
Council Member Andrea C. Harrison
Council Member Obie Patterson
Council Member Karen R. Toles
Council Member Todd M. Turner
Council Member Mary Lehman

The Council voted for the following positions on these respective bills:

PG 414-16 HB 1200	Prince George's County – Community–Based Developmental Disabilities Services Providers – County Minimum Wage Reimbursement - OPPOSE
PG 301-16 HB 1310	Prince George's County – Alcoholic Beverages – Licenses, License Fees, and Sunday Sales – SUPPORT w/AMENDMENT
HB 862/SB 367	Maryland Redeemable Beverage Container Recycling Refund and Litter Reduction Act – SUPPORT w/ITEMS TO REFERENCE
HB 1013/SB908	Maryland Open Transportation Investment Decision Act of 2016 – SUPPORT w/AN ITEM TO REFERENCE
HB 1485	Other Tobacco Products – Local Laws for Sale and Distribution – Intent of the General Assembly – SUPPORT



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3700
County Council

POSITION STATEMENT

**PG 414-16
(HB 1200)**
Delegate Dereck E.
Davis

Prince George's County – Community-Based
Developmental Disabilities Services Providers –
County Minimum Wage Reimbursement

POSITION:

OPPOSE

PG 414-16 requires the Maryland Department of Health and Mental Hygiene (DHMH) to reimburse community-based developmental disabilities services providers at a rate sufficient to ensure that the hourly wage paid to community direct service workers in the county is the same percentage above the county minimum wage rate as community direct service workers outside the county are paid above the State minimum wage rate. It also requires the County to reimburse DHMH for the difference between the reimbursement rates the department is required to pay to the community providers and the reimbursement rates that DHMH pays community providers that are located outside of the county.

The Prince George's County Council has strong admiration and respect for the developmental disabilities service providers in the County. Increasing their wages to a fair standard is an appropriate goal and promises to be an enriching discussion as we move forward. However, the Council does not support the manner in which this legislation seeks to meet that end. This bill is very simply an unfunded mandate from the State that carries a financial burden the magnitude of which stands to hurt the very people the bill is attempting to benefit.

As drafted, this legislation would cost the County approximately \$4.5 million per year. The fiscal impact to our County is nearly impossible to manage. Should this bill pass, as an unfunded mandate from the State, the Prince George's County Council will without doubt be forced to make considerable budget cuts to County agencies, and critical public safety funding in order to meet the mandate, which we find to be unacceptable. As currently written, the financial burden of this bill comes close to or exceeds the annual operating budget of several County agencies, including the Office of Community Relations, which houses the County's Civil Rights enforcement agency; the County's Department of Family Services, that services our aging, mentally ill, disabled and children, youth and families in need of support and resources; the County's open-admittance animal shelter; and, one full year of storm water management infrastructure spending. Furthermore, this measure would drain the funding for a class of desperately needed police and firefighter recruits, effectively compromising our commitment to lower crime, improve the public's safety, and attract quality economic development.



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**PG 414-16
(HB 1200)**

Delegate Dereck E.
Davis

Prince George's County – Community-Based
Developmental Disabilities Services Providers –
County Minimum Wage Reimbursement

Unfortunately, the well intentions of this piece of legislation are outweighed by its crushing effects on essential County operations.

Every budget cycle, the Prince George's County Council is charged with finding the proper balance between priorities and long-term fiscal obligations. This process is further complicated by the reality of reduced revenue growth. While the State of Maryland is currently experiencing a financial surplus, Prince George's County is combating a substantial structural deficit, with a potential \$250 million budget hole by 2022. And though we are committed to addressing our shortfalls, the County simply does not have the resources to adequately fulfill the requirements of this legislation while continuing to provide critical services to Prince George's County residents.

Therefore, the County Council recommends a position of **UNFAVORABLE** on **PG 414-16** and respectfully requests your favorable consideration of its position.

Prepared by: Eric L. Johnston III
Strategic Solutions Center, LLC
Jennifer A. Jenkins
Maurice Simpson, Jr.
On behalf of Prince George's County Council



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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POSITION STATEMENT

**PG 301-16
(HB 1310)**
Delegate Michael
Vaughn

Prince George's County – Alcoholic Beverages –
Licenses, License Fees, and Sunday Sales

POSITION:

SUPPORT WITH AMENDMENT

PG 301-16 increases the annual license fees for various alcoholic beverages licenses in Prince George's County. The bill also repeals the special Sunday on-sale permit attached to the Class B beer, wine, and liquor license, alters the maximum number of specified licenses that may be issued in Prince George's County, and expands the operating hours for a holder of a Class B beer, wine, and liquor license. A potential amendment presented by Delegate Vaughn includes increasing the number of Class B-DD restaurant licenses in multiple specified locations in Prince George's County.

The Prince George's County Council is supportive of the spirit of this legislation and the proposed amendment from Delegates Walker and Vaughn. **The proposed amendment increases up to 4 Class B-DD licenses in the Buena Vista West mixed-use development, up to 10 Class B-DD licenses in the Karington mixed-use development, and up to 3 Class B-DD licenses in the Clinton Marketplace mixed-use development.** Significant analysis has been done on the part of the Board of License Commissioners to examine the amount of licenses that are necessary to provide optimal services to the public and the necessity for a fee increase to meet their need for growth. Alcoholic beverage license fees have not been increased in a decade and the need to consolidate the number of licenses has been a topic of conversation for many years. This bill seeks to remedy those issues while creating new Class B-DD restaurant licenses for critical pending developments in the County.

Economic development and increased tax revenue are cornerstones to the Prince George's County Council agenda. The County's structural budget deficit adds to the need for wise fiscal policy decisions. As it is currently drafted, PG 301-16 is estimated to generate over \$236,000 in Fiscal Year 2017. This bill seeks to increase the operating hours of Class B beer, wine, and liquor license holders and also increase the number of Class B-DD restaurant licenses that can be provided in targeted economic development centers. Due to increased revenues and the support of County development priorities, the Council believes this bill makes good fiscal sense.



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PG 301-16
(HB 1310)
Delegate Michael
Vaughn

Prince George's County – Alcoholic Beverages –
Licenses, License Fees, and Sunday Sales

Therefore, the County Council recommends a position of **SUPPORT WITH AMENDMENT** on **PG 301-16** and respectfully requests your favorable consideration of its position.

Prepared by: Eric L. Johnston III
Government Relations Manager
Strategic Solutions Center, LLC
On behalf of Prince George's County Council

BY: Delegates Davis and Vaughn
(To be offered in the Law Enforcement Committee)

AMENDMENTS TO PG 301-16 (HOUSE BILL 1310)
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “County;” insert “authorizing the Board of License Commissioners for Prince George’s County to issue a certain number of Class B–DD (Development District) licenses to restaurants located in a certain area within the area of Buena Vista West; authorizing the Board to issue a certain number of Class B–DD (Development District) licenses to restaurants located in a certain area within the Karington Commercial area; authorizing the Board to issue a certain number of Class B–DD (Development District) licenses to restaurants located in a certain area within the Clinton Marketplace commercial area;”; in line 10, after “changes;” insert “making conforming changes;”; and in line 21, after “26-1601(a)(1),” insert “26-1614(a).”.

AMENDMENT NO. 2

On page 5, in line 12, strike “and”; and after line 14, insert:

“5. UNDER § 26-1614(A)(5) OF THIS
SUBTITLE, 4;

6. UNDER § 26-1614(A)(6) OF THIS
SUBTITLE, 10; AND

7. UNDER § 26-1614(A)(7) OF THIS
SUBTITLE, 3;”.

On page 6, after line 3, insert:

“26–1614.

(a) The Board may issue:

(1) up to four Class B–DD (Development District) licenses for restaurants located within the Capital Plaza commercial area, consisting of commercial properties within the area bounded by the Baltimore–Washington Parkway on the west and northwest, Maryland Route 450 on the south, and Cooper Lane on the east and northeast;

(2) up to four Class B-DD (Development District) licenses for restaurants located within the area of Greenbelt Station, located inside the Capital Beltway and adjacent to the Greenbelt Metro Station;

(3) up to six Class B-DD (Development District) licenses for restaurants located within the area of Ritchie Station Marketplace; [and]

(4) subject to subsection (b) of this section, up to six Class B-DD (Development District) licenses for restaurants located within the Towne Centre at Laurel;

(5) UP TO FOUR CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES TO RESTAURANTS LOCATED WITHIN THE BUENA VISTA WEST MIXED-USE DEVELOPMENT, LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF MD-704/MARTIN LUTHER KING JR. HIGHWAY AND MD-450/ANNAPOLIS ROAD;

(6) UP TO TEN CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES TO RESTAURANTS LOCATED WITHIN THE KARINGTON MIXED-USED DEVELOPMENT, LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF MD-214/CENTRAL AVENUE AND US-301/CRAIN HIGHWAY; AND

(7) UP TO THREE CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES TO RESTAURANTS LOCATED WITHIN THE CLINTON MARKETPLACE MIXED-USE DEVELOPMENT, LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF MD-223/PISCATAWAY ROAD AND BRANDYWINE ROAD.”.

EXPLANATION OF THE AMENDMENTS:

Amendment No. 1:

Technical

Amendment No. 2:

Authorizes the Board of License Commissioners to issue:

1. up to 4 Class B-DD licenses to restaurants located in the Buena Vista West mixed-use development, located in the northwest quadrant of the intersection of MD-704/Martin Luther King Jr. Highway and MD-450/Annapolis Road;

2. up to 10 Class B-DD licenses to restaurants located within the Karington mixed-use development, located in the southwest quadrant of the intersection of MD-214/Central Avenue and US-301/Crain Highway; and

3. up to 3 Class B-DD licenses to restaurants located within the Clinton Marketplace mixed-use development, located in the southwest quadrant of the intersection of MD-223/Piscataway Road and Brandywine Road.



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3700
County Council

POSITION STATEMENT

HB 862

Delegate Barbara
Frush

Maryland Redeemable Beverage Container Recycling
Refund and Litter Reduction Act

POSITION:

SUPPORT w/Items to Reference

HB 862 establishes the Maryland Redeemable Beverage Container Recycling Refund and Litter Reduction Program. This bill requires the Maryland Environmental Service to develop, implement, and administer the program. The bill also requires that every redeemable beverage container sold in the State indicate a 5-cent refund value in a specified manner on and after July 1, 2017.

In 2011 the Maryland Department of the Environment created the Maryland Solid Waste Management, Recycling, and Source Reduction Study Group. The study group found that beverage containers generally constitute a disproportionately large share of litter as compared with their share of the solid waste stream. According to the Container Recycling Institute, 10 states have enacted and currently implement beverage container deposit programs and the study group found that operating this program would potentially double the recycling rate of beverage containers.

Prince George's County has serious concerns regarding recycling and curbside litter. This bill not only provides a financial incentive for citizens to engage the recycling process and combat our litter problems, but also helps the State achieve its 55% recycling rate goal by 2020. While we support the spirit of this legislation, we are also asking that the following items be considered: 1) ensuring that the bill provides for an opportunity for cost recovery; 2) extending the grant program; 3) requesting that the County be preempted from redemption center locations and allowing us to make that determination; 4) ensuring that the County is indeed saving money as a result of this program; and 5) if job creation is a part of this program, ensuring that the County residents receive a percentage of the jobs at least 30% conforming to our normal standard.

Therefore, the County Council recommends a position of **SUPPORT** on **HB 862** and respectfully requests your favorable consideration of its position.

Prepared by: Eric L. Johnston III
Strategic Solutions Center, LLC
Jennifer A. Jenkins
Colette R. Gresham
On behalf of Prince George's County Council



THE PRINCE GEORGE'S COUNTY GOVERNMENT

(301) 952-3700
County Council

POSITION STATEMENT

HB 1013
Delegate Pamela
Beidle

Maryland Open Transportation Investment Decision
Act of 2016

POSITION:

SUPPORT

HB 1013 establishes State transportation goals and creates a measure by which the Maryland Department of Transportation (MDOT) is required to score capital projects to the extent to which major capital projects satisfy the goals. The bill states that in the evaluation of major Capital Projects, MDOT will use a 20-year forecast in the project area and assign a score from 1 to 100 for each goal.

The Prince George's County Council believes that this bill is a step in the direction of stronger public transparency as it relates to statewide transportation projects. The transportation needs of the County are numerous; having a tool that provides a hard score associated with proposed projects can better inform the citizens of the County and also provide clarity on the competitiveness of County based projects related to other statewide projects. Prince George's County transportation projects are very competitive. This bill provides a system that will rank statewide transportation projects and create a public record if they are not funded. This bill seeks to eliminate some of the discretionary decisions and practices surrounding transportation funding which have been ongoing for decades; and, the Council views that intent very favorably.

HB 1013 also does not interfere with the current process of County based project prioritization. Prince George's County will still be able to prioritize our projects to best benefit the needs of our citizens, and submit those projects to MDOT for consideration. This bill also does not require MDOT to select projects solely based on their scores. HB 1013 simply creates a metric that can be considered as a basis for selecting transportation projects around the State.

The County Council does not believe that HB 1013 will make changes to MDOT's current process that will be so extensive as to be disruptive, but will instead foster positive outcomes to include increased transparency, and adding tangible metrics to transportation projects to help ensure equitable funding statewide.



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HB 1013
Delegate Pamela
Beidle

Maryland Open Transportation Investment Decision
Act of 2016

Therefore, the County Council recommends a position of **SUPPORT** on **HB 1013** and respectfully requests your favorable consideration of its position.

Prepared by: Eric L. Johnston III
Strategic Solutions Center, LLC
Jennifer A. Jenkins
On behalf of Prince George's County Council



THE PRINCE GEORGE'S COUNTY GOVERNMENT

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POSITION STATEMENT

HB 1485

Delegate Jeff
Waldstreicher

Other Tobacco Products - Local Laws for Sale and
Distribution - Intent of the General Assembly

POSITION:

SUPPORT

HB 1485 states that it is the intent of the General Assembly that a county or municipal corporation may enact and enforce local laws relating to the sale and distribution of other tobacco products. This bill effectively reverses the 2013 Maryland Court of Appeals decision, *Altadis v. Prince George's County* that struck a 2009 Prince George's County ordinance regulating cigar pack size. The Court held that the General Assembly intended to preempt Prince George's County from regulating cigar pack size.

In *Altadis v. Prince George's County* the petitioners challenged the validity of two Prince George's County ordinances regulating the packaging, sale, or other distribution of cigars, contending that the ordinances conflicted with State statutes regulating the packaging and sale of cigars. The ordinances prohibited the sale of single cigars except under limited circumstances. The Court of Appeals held that State law occupied the field of regulating the packaging and sale of tobacco products, including cigars, and so preempted the two ordinances. Thus, the Prince George's County ordinances were invalid.

Prince George's County Council supports the spirit of this legislation to abrogate the *Altadis* decision so that local governments may regulate the sale and distribution of tobacco products as they set fit according to their home rule powers in the Maryland Constitution, which they have done for decades. The Council believes that local jurisdictions have the best understanding of the dynamics of tobacco use in their communities and should not be preempted by the State. Entities are also using the Court decision to threaten suit against multiple Maryland counties for enforcing tobacco control laws, which include sales to minors laws. The Council sees this as an overreach of power based on a misinterpretation of the intent of the General Assembly. This bill simply seeks to clarify that intent.

Prince George's County has successfully proven to be able to regulate the sale of tobacco that fits the dynamics of our communities. We ask that our efforts to continue to effectively regulate our local tobacco sales and employ our home rules power under the Maryland Constitution be honored.



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HB 1485
Delegate Jeff
Waldstreicher

Other Tobacco Products - Local Laws for Sale and
Distribution - Intent of the General Assembly

Therefore, the County Council recommends a position of **SUPPORT** on **HB 1485** and respectfully requests your favorable consideration of its position.

Prepared by: Eric L. Johnston III
Government Relations Manager
Strategic Solutions Center, LLC
On behalf of Prince George's County Council