

MEMORANDUM

TO: City Council

FROM: David J. Deutsch
City Manager

SUBJECT: Legislative Update

DATE: January 3, 2008

The 2008 session of the General Assembly begins on Wednesday, January 9th. Issues that are expected to dominate include budget shortfall matters not resolved in the Special Session, energy policy, the death penalty, same sex marriage, and finding an acceptable solution to the Dimensions Healthcare crisis.

The Maryland Municipal League has two legislative priorities for this session:

1. Statewide use of vehicle speed monitoring systems
2. Enabling legislation to permit cities and towns to diversify their revenue sources through measures such as a building excise tax, a hotel/motel tax, and recordation fees on property transfers.

Bills will be introduced on each of these subjects.

Several pieces of local legislation have been introduced in the County Delegation to address the hospital and the speed camera issues. Those bills are summarized below and include a recommendation for Council action. Following that is a short summary of some other local bills that may be of interest to Council. Staff recommends support for one of them at this point.

Vehicle Speed Monitoring Systems (Speed Cameras)

In addition to being an MML statewide priority for 2008, legislation authorizing a local speed camera program is under consideration in the Prince George's County Delegation.

In 2005 the General Assembly approved the implementation of a speed monitoring program for Montgomery County. Montgomery County must report back to the General Assembly in 2009 on the success of the program. Local officials would like to expand the law to apply to Prince George's County. Two of the bills introduced in the County Delegation contain exactly the same language as the Montgomery County law, differing only in their sponsors. Delegate Ramirez sponsored PG 316, and at the request of the Prince George's County Council, the Prince George's Delegation Chair sponsored PG 324. The third bill on the subject is sponsored by Delegate Ross and Senator Pinsky and is the one most favorable to municipalities.

Each of the bills allows for speed monitoring systems on residential highways and in school zones in the County. A residential highway is defined in state law as a residential road where the property is improved mainly with residences or residences and buildings for at least 300 feet. Roads in most City neighborhoods would fall into this category. School zones are defined as areas within one half mile of a school.

Violators exceeding the speed limit by at least 10 miles per hour would be subject to a civil penalty of up to \$40. The bills differ in which agency receives the revenue from the fines. PG 316 and 324 designate that payment of fines go to Prince George’s County. PG 312 specifies that if a municipal government has a speed monitoring program implemented by the municipal police department, or by contract officers under the direction of a municipality, the revenue from the citations will go to the municipality. It also requires the municipality to be consulted in the formulation of the procedures for issuance of citations.

Recommendation: Support PG 312 and a statewide bill that includes the municipal provisions of PG 312.

Prince George’s County Hospital Authority

PG 403 (Nieman)

PG 410 (Davis)

There are two local bills that address the creation of a self-sustaining Prince George’s County Hospital Authority. Both are emergency bills that would allow the Authority to acquire rights to operate any Dimensions facilities, to seek a new owner or operator for the facilities, to transfer the facilities to another healthcare entity, and to issue revenue bonds. The County assets under control of Dimensions would transfer to the Authority. The Authority shall assume the indebtedness and pension liability of Dimensions Healthcare.

The bills also include a provision that if the County fails to pay the amount included in the bills, the State will pay the amount and reduce other revenue due to the County by that amount.

The bills differ in the level and terms of public funding to support the Authority, the number of members of the Authority’s Board of Directors and in some contingencies regarding the payments.

PG 403 - Proposed Public Funding (in millions of dollars)									
	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	Total FY09-FY15
County	\$12	\$17	\$17	\$17	\$17	\$17	\$17	\$17	\$131.0
State-operating costs*	0	\$0	\$10	\$10	\$10	\$10	\$10	0	\$50.0
State – capital costs*	0	\$0	\$13	\$13	\$13	\$13	\$13	\$13	\$78.0
Total	\$12	\$17	\$40	\$40	\$40	\$40	\$40	\$30	\$259.0
* The language for the State's share of the operating costs says "at least \$10 million" and "at least \$13 million" for the State's share of the capital costs for each year from FY10-FY14.									

PG 410 - Proposed Public Funding (in millions of dollars)									
	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	Total FY09-FY15
County	\$7.80	\$11.90	\$19.10	\$19.10	\$19.10	\$26.70	\$26.70	\$26.70	\$157.1
State - operating costs	0	\$0	\$9	\$6	\$6	\$0	\$0	0	\$21.0
State – capital costs	0	\$0	\$9	\$12	\$12	\$12	\$12	\$12	\$69.0
Total	\$7.80	\$11.90	\$37.10	\$37.10	\$37.10	\$38.70	\$38.70	\$38.70	\$247.1
In FY09 the County would finance for the Authority, through a lease purchase agreement or otherwise, capital equipment having a value of \$13.2 million. Failure to finance the capital equipment by 8/08 would require the County to make an additional payment of \$13.2 million for FY09. Additionally the County would pay the lease payments and debt service on the capital equipment from FY09 - FY15.									

Recommendation: Follow these and other bills that may be introduced regarding the hospital system. Send letter to Delegation chair expressing support for the concept of a Hospital Authority, but not taking a position on either bill at this point.

Zoning Text Amendments (PG/MC 117) – This bill prohibits zoning text amendments and single property zoning amendments, such as was used to approve the 200-acre Karington property. Zoning text amendments tend to be approved with less publicity and opportunity for public comment than the regular zoning process.

Recommendation – Support.

Other Local Legislation:

Subdivision Appeals (PG/MC 105) - This bill authorizes the District Council to hear subdivision appeals before the matter is escalated to the Circuit Court. The County Council had defined this role for themselves in the late 1990's to allow subdivision decisions to be appealed and resolved without having to go to court. The City Council supported the move at the time. That move was found to be inconsistent with State law. This bill would reinsert the District Council into the subdivision appeal process.

Highways – Pedestrian and Bicycle Traffic and Facilities (PG/MC 108) – The State, in cooperation with local government and MNCPPC, must adopt a plan to make areas around newly constructed public buildings, parks and utilities more bike and pedestrian safe and accessible. If there's no state highway in the affected area, the local government and MNCPPC must adopt the plan.

Prince George's County – MNCPPC – Community Center Homework Rooms (PG/MC 113) – Requires community centers in Prince George's County to provide dedicated homework rooms and requires staff to ask students if homework is complete before allowing access to other services at the center.

Agricultural Easement and Development Rights Purchase Program (PG/MC 116) – Creates a Prince George’s County Agricultural Preservation Easement Program and allows County to create a Development Rights Purchase Program. Provides County with another tool to carry out the intent of preserving the rural tier and other aspects of the Master plan.

Prince George’s County Board of Education (PG 401) – This bill is a comprehensive restructuring of how Board members are elected. The nine members would be elected by districts, rather than by the hybrid at-large and district structure currently in place. The Board districts would be the same as the County Council Districts. For the 2010 election, the five lowest vote getters would serve two-year terms and the other four members would serve for four years. Vacancies would be filled by a special election if they occurred more than 180 days before the next regular election. Vacancies occurring in the 180 days prior to an election would be left vacant.

Prince George’s County Roadside Advertising or Solicitation of Money or Donations Prohibition (PG 409) – This bill prohibits the solicitation of money, the sale of items, or the holding of signs on highways or highway rights of way, including medians, shoulders, ramps, etc. This bill is currently being reviewed by our Police Department and other staff for possible support.

Prince George’s County Task Force to Study Locations in Prince George’s County Best Suited for Use by State Agencies (PG 413) – Creates a task force to recommend locations in the County that could be best suited for use by State agencies, to identify which agencies are likely to move, and to recommend how to successfully encourage the agencies to relocate to Prince George’s County. The task force would provide a report to the Governor by September 30, 2009.