



OFFICE OF INTERGOVERNMENTAL RELATIONS

Isiah Leggett
County Executive

Melanie Wenger
Director

July 23, 2010

MEMORANDUM

TO: Montgomery County Council

FROM: Melanie L. Wenger, Director ^{MLW}_{wenger}
Office of Intergovernmental Relations

SUBJECT: Summer Update

The purpose for this morning's meeting is to discuss:

- Montgomery County's legislative proposals for the 2011 State Legislative Session at circle 1;
- update on newly created State Commissions, Task Forces, and Workgroups;
- update on the status of Montgomery County's Federal priorities at circle 5;
- State Delegation dates of interest at circle 10; and
- anything else.



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MEMORANDUM

July 27, 2010

TO: Montgomery County Council

FROM: Melanie L. Wenger, Director
Office of Intergovernmental Relations

SUBJECT: Summary of Departmental Legislative Proposals for Inclusion in the 2011
Legislative Package

Brief descriptions of the local, bi-county, and Statewide legislative proposals submitted by County agencies follow.

LOCAL LEGISLATIVE PROPOSALS

Alcohol Sales – Church and School Proximity (Board of License Commissioners) -

Current law prohibits the issuance of an alcoholic beverages license within 750 feet of any secondary or elementary school, church or other place of worship, or youth center sponsored or conducted by any governmental agency. This proposal would alter current law to permit the sale of alcohol near one specific school and one specific church.

The Burtonsville Shopping Center is being completely remodeled with new entrances to improve traffic flow. The overall curved-shape of the Center has been changed to an L-shaped facility. Due to the configuration of the store bays, two spaces developed for restaurant use fall within 189 feet of an elementary school. This bill would add the Burtonsville Shopping Center to five existing exempted areas (CBD Zones, Takoma Park Transit Impact Area, Rockville Town Center Performance District, Rockshire Planned Residential Unit development, and specified Kensington commercial areas).

In addition, the bill would exempt one specific restaurant (Urban BBQ) in the White Oak Shopping Center which falls within 250 feet of an existing church. The restaurant is currently in operation, but seeking to apply for an alcoholic beverages license.

Educational Facility License - Culinary/Confectionary School (Board of License Commissioners) - The bill creates a new class of alcohol license for a privately held culinary and confectionary educational facility located in Montgomery County. The license would authorize on premise consumption of beer and wine only. The license would allow the holder to provide alcohol to registered students who are 21 years of age or older (1) in conjunction with a wine tasting and (2) in connection with a dinner as part of the culinary education class.

L'Academie de Cuisine currently has two locations in Montgomery County and plans to open a third facility in the near future. The present locations are in Bethesda and Gaithersburg. We believe the school will be asking Senator Frosh to introduce this bill.

Class A - Beer/Wine Tasting License - BWT (Board of License Commissioners) - This proposal would create a new Class A Beer/Wine Tasting (off premises) license to be used for beer and wine tasting events. This license may be issued only to an existing Class A licensee at the time of renewal. The proposal defines the size of a single taste, the maximum number of tastes and the number of tastings permitted each year. DLC states that enactment will enable better enforcement on their part.

Stadium License (Board of License Commissioners) - The proposal creates a new class of alcoholic beverage license for 2,000 person stadium located in Montgomery County (the Soccerplex in Darnestown). A minimum capital investment of \$2 million is required, not including real property. The license would allow the holder to sell beer and wine to persons of legal age, to purchase and consume that alcohol at the stadium during events held at the stadium. Sales would be authorized at a service bar or in the stadium generally by individual sales vendors on behalf of the licensee. The proposal sets the hours and days of sale. All sellers and servers must hold a valid alcohol awareness training certificate. No alcohol may be taken off the premises. It appears that this bill will be sponsored by legislators representing District 15.

BI-COUNTY LEGISLATIVE PROPOSAL

Park Police / MCPD Consolidation (Management and Budget) – Under current law the Maryland-National Capital Park and Planning Commission Park Police are completely separate from the Montgomery County Police Department. Consolidation was proposed by the County Executive as a method to reduce FY11 expenditures without negatively affecting law enforcement services in the County. The Council decided only to consolidate dispatch and communications in FY11 and to study further consolidation in the future. This proposal would allow further consolidation of the Montgomery County Park Police into the Montgomery County Police Department, should the County decide to move forward with the Executive's initial recommendation.

STATEWIDE LEGISLATIVE PROPOSALS

Barriers for Entry for Dentists/Dental Hygienists (Health and Human Services) - HHS is interested in looking at ways to increase the pool of dental care professionals as part of health care reform efforts. HHS staff has been attending meetings of the Governor's Health Care Reform Council. One of the Council's workgroups will be tasked with exploring ways to expand

the healthcare workforce so that the State will be prepared to serve the increased number of people eligible for Medicaid. The department is hopeful that it can work through the Council to propose legislation that will remove barriers to entry and allow for increased scope of practice for dental professionals and other allied health professionals. In the past, recommendations for modifying certification procedure (for example with foreign-trained dentists) have been strongly opposed by professional associations. HHS believes that moving legislative proposals through the Council offers the best chance for success with any legislative proposal.

Mandatory Seat Belts (Police) - Under current law, seat belts are required to be worn by a vehicle driver, a front seat passenger and anyone under 16 years of age. This proposal would mandate seat belt usage by the operator and all passengers within a vehicle. Violation would be a secondary offense.

Green Technology Companies – Tax Credit (Economic Development) - The Montgomery County Green Economy task Force recommended establishment of a tax credit program which would apply to investments in green technology companies. The Task Force envisioned this program as similar to the existing Maryland Biotechnology Tax Credit Program.

Purchase of Cable Television Set Top Boxes (Technology Services) – With the conversion to digital cable competed in the County, most cable customers now have to rent equipment (set-top boxes or cable cards) from the cable company in order to be able to tune all but a small fraction of the channels. This proposal would give customers the right to purchase that equipment instead of renting it from the cable company. This proposal was introduced in 2010 by Delegate Frick as HB 1203 and Senator Forehand as SB 988, but it was withdrawn amid concern that federal law might preempt State action.

Cable Television Right of Way Fees (Technology Services) – Under current law Verizon does not pay the County a right of way fee, while other utilities that compete with Verizon (i.e., Comcast and Starpower) do. This puts Verizon’s competitors at a disadvantage. This is a historical artifact as Verizon’s franchise was granted by the State as a telephone company while Comcast and Starpower were granted franchises by the County as cable television providers. All three companies now provide television, internet, and telephone services, but only Verizon is exempt from the right of way fee. This proposal would subject Verizon to the same right-of-way fee as its competitors.

Utility “Make Ready” Time Limits (Technology Services) – As part of the National Broadband Plan, the Federal Communications Commission is proposing time limits on how long the owner of a utility pole has to make it ready for use by a broadband service provider. The Commission is concerned that a utility could take so long to provide access to utility poles as to effectively deny a new entrant in the market from being able to establish service. This proposal would set State time limits for this “make ready” work. This proposal is based on the National Broadband Plan released by the FCC on March 16, 2010.

Local Correctional Facilities – Sentenced Inmates (Corrections) - This proposal would be a reintroduction of a statewide bill that was killed last session in the Judicial Proceedings

Committee. The bill prohibits a judge from sentencing an individual to a local correctional facility for a period exceeding 12 months.

Current law provides that sentences of less than 12 months are to be served in a local correctional facility; those in excess of 12 months are to be served in the State Division of Corrections (DOC). However, at the discretion of the sentencing judge, sentences up to 18 months may be served either locally or in the DOC. Sentences in excess of 18 months are served in the DOC.

Since 1986 the State reimbursed counties for housing offenders sentenced up to 18 months. The 2009 Budget Reconciliation and Financing Act abolished that program and created a grant program providing State assistance for housing inmates between 12 and 18 months at the rate of \$45 per day. This resulted in a \$3.4 million loss for Montgomery County and similar losses for local correctional facilities across the State.

Last year this bill died in Judicial Proceedings notwithstanding the support of the Maryland Association of Counties (MACO); there is little evidence that it would be successful next session. However, it could possibly be one of four legislative initiatives for MACO in the 2011 session.

MONTGOMERY COUNTY
FY11 FEDERAL APPROPRIATIONS PRIORITIES
7/23/10 Status

<u>Project</u>	<u>Requested Funds</u>	<u>Approp. Bill</u>	<u>Previous Request?</u>	<u>Previous Funding?</u>	<u>Multiyear?</u>	<u>Matching Funds</u>	<u>Federal Grants?</u>	<u>7/23/10 STATUS</u>
Traffic Signal System Modernization	\$26.3 M	THUD-Sec. 5309 and/or DHS-Office of NCR Coordination	Yes	No	Likely necessary	\$9.6 M County operating budget	No	FY11 Approps requests made by CODEL. \$0 allocated FY11 House THUD Approps; \$0 allocated FY11 Senate THUD Approps
Public Safety System Modernization Communications Interoperability	\$2.5 M	CJS-COPS Technology & Interoperability	Yes, FY10	\$2.988 M rec'd in FY09 (UASI and Fire Act grants). Nothing in FY10	Likely necessary	Project phased into annual increments and anticipate complimentary local matching funds for any federal funding	See column 5	FY11 Approps requests made by CODEL. \$0 allocated FY11 House THUD Approps; \$0 allocated FY11 Senate THUD Approps

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<p>Bi-County Gang Initiative- Prevention/ Intervention/ Suppression*</p> <p>*Montgomery and Prince George's Counties were asked by House delegation to submit an FY11 request.</p>	\$1.45 M (Montgomery County component)	CJS- Office of Justice Programs	Yes, since FY06	\$2.7 M FY10 for bi-County gang initiative; \$450,000 FY09 OJP-Byrne Grant; \$200,000 FY09 Police Centralized Gang Unit; \$215,000 FY06 DOJ- BJAG to MD Regional Gang Initiative (services at Crossroads YOC in Takoma/ Langley); \$370,000 FY06 DOJ- Byrne Grant- OJJDP (services at YOC in Takoma/Langley); \$364,000 FY06 DOJ-OJP (supporting and emergency services at YOC in Takoma/ Langley)	Yes	Working with Prince George's County on obligating FY10 gang violence funds; allocated \$250,000 in cash during last 2 fiscal years (for a total of \$500,000) and significant in-kind contributions in terms of staffing resources to support YOC. The proposed funding would allow MontCo to expand to underserved areas.	See column 5	FY11 Approps requests made by CODEL. \$2.5 M FY11 House CJS Approps. \$0 allocated FY11 Senate CJS Approps
Ride On hybrid bus replacement	\$5.4 M	THUD-FTA's 5309 Bus and Bus Facilities program	No- previously part of MDOT's request	\$2.85 M 2009; \$3.34 M 2008; \$277,000 2007	Yes- County must sustain annual bus replacement costs	County operating budget	See column 5	FY11 Approps requests made by CODEL. \$0 FY11 House THUD Approps; \$0 allocated FY11 Senate THUD Approps

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<u>Project</u>	<u>Requested Funds</u>	<u>Approp. Bill</u>	<u>Previous Request?</u>	<u>Previous Funding?</u>	<u>Multiyear?</u>	<u>Matching Funds</u>	<u>Federal Grants?</u>	<u>7/23/10 STATUS</u>
Montgomery College	\$750,000	Labor/HHS - Health Resources & Services Admin (HRSA)	Yes	\$550,000 FY10; \$716,000 FY09	1-2 years	\$6 M non-federal match including \$235,000 Maryland Hosp Association	See column 5	FY11 Approps requests made by CODEL. \$450,000 FY11 House Labor/HHS Approps; pending Senate
Interoperable IT solution for integrated HHS	\$7 M	Labor/HHS - Admin for Children & Families (ACF) and/or Health Resources & Services Admin (HRSA)	No	No	Yes	Rec'd modest funding through Casey Family Programs Foundation, and Kresge Foundation. Applied for Beacon Community Coop Agreement	No	FY11 Approps request made by CODEL. \$0 allocated FY11 House Labor/HHS Approps; pending Senate
Kennedy Cluster Project- Linkages to Learning and Multi-Agency Coordination	\$1.61 M (combined request)	Labor/HHS - Admin for Children & Families (ACF)	Yes, FY10	No	Yes	Local funding for coordination and program oversight.	Anticipate applying for ED's "Promise Neighborhood Program" grant and pursue private foundation support	FY11 Approps request made by CODEL. \$0 allocated FY11 House Labor/HHS Approps; pending Senate
Great Seneca Creek/Muddy Branch Watershed Feasibility Study	\$32,000	Energy & Water-Corps of Engineers	Yes	\$269,000 FY10; \$430,000 FY09; \$98,000 FY08; \$644,000 FY07	Expect this to be final request	\$1.4 M (50%) local funds	Through CENAB	FY11 Approps request made by CODEL. \$32,000 allocated FY11 House Energy/Water Approps; \$0 allocated Senate Energy/Water

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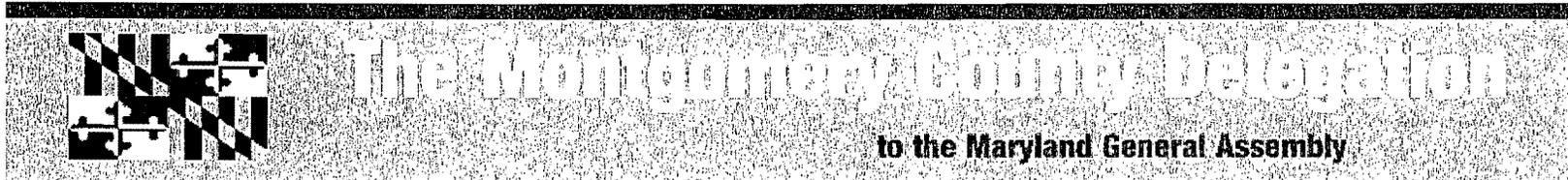
<u>Project</u>	<u>Requested Funds</u>	<u>Approp. Bill</u>	<u>Previous Request?</u>	<u>Previous Funding?</u>	<u>Multiyear?</u>	<u>Matching Funds</u>	<u>Federal Grants?</u>	<u>7/23/10 STATUS</u>
NW Branch-Anacostia River	\$616,000	Energy & Water-Corps of Engineers	\$288,000 FY10 (Funding for Anacostia River restoration)	\$288,000 FY10; \$555,000 FY09 for Anacostia River and tributaries; \$484,600 from FY01-FY05 under ACOE Construction grant	Yes	MontCo contributed \$ for feasibility and design services of 10 subprojects. MontCo costs expected to be \$1,610,000 (35%)	Through CENAB	FY11 Approps request made by CODEL. \$233,000 allocated FY11 House Energy/Water Approps; \$250,000 allocated FY11 Senate Energy/Water Approps
Affordable Housing Rehabilitation	\$1 M	THUD- EDI	Yes	No	No	MontCo DHCA funding \$350,000 and HOC funding \$2.65 M for Phase II preserva/rehab	No apparent grant opportunities. Dysfunctional financial markets have made financing unavailable	FY11 Approps requests made by CODEL. \$0 allocated FY11 House THUD Approps; \$0 allocated FY11 Senate THUD Approps
Crime and Intelligence Initiative	\$1.85M	CJS- Office of Justice Programs-COPS-Tech & Interop	No	No	No	County operating budget	No	\$0 allocated FY11 House CJS Approps; \$0 allocated FY11 Senate CJS Approps
Middle School Expansion Program	\$642,900	Labor/HHS - ED- FIE account	No	No	No	TBD	No	FY11 Approps requests made by CODEL. \$300,000 FY11 House Labor/HHS Approps. Pending Senate

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Offender Employment Project	\$272,724	CJS-OJP/Byrne Grant, JAG	FY10 for \$200,000	No	Yes	2009 Wachovia Bank \$10,000; \$210,000 WIA funding 2009 (not available 2010); Second Chance Round 2 application will involve 50% in-kind match based on hardship waiver for 25%	Applied for Second Chance Grant 2009- no award	FY11 Approps request made by CODEL. \$0 allocated FY11 House CJS Approps; \$200,000 allocated FY11 Senate CJS Approps
BRAC-Bethesda								FY11 Approps requests made by CODEL. \$500,000 allocated FY11 House THUD Approps; \$2.2 M allocated in FY11 Senate THUD
Purple Line								FY11 Approps requests made by CODEL. \$1.5 M allocated FY11 House THUD Approps; pending Senate

7/23/10

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MONTGOMERY COUNTY DELEGATION 2010-2011 CALENDAR

DELEGATION CALENDAR IN ORDER BY DATE

- Thursday, October 7, 2010** **Consolidated Transportation Program Presentation ("Road Show") by State Highway Administration**
7:00 p.m. - 3rd Floor Hearing Room, Stella Werner Council Office Bldg., 100 Maryland Ave., Rockville, MD 20850.
- Thursday, October 7, 2010** **Bill Request Deadline for local and bi-county bills** (This is a "guarantee" deadline. All bills submitted by this date are guaranteed to be back to the legislator for approval prior to the Sponsor Approval Deadline.)
- Wednesday, November 3, 2010** **Sponsor Approval Deadline for local and bi-county bills** (This is the deadline for the requesting legislator to approve legislation in order to be guaranteed a hearing without the bill considered to be "late filed.")
- Wednesday, November 10, 2010** **Montgomery County House Delegation - Organizational Meeting to elect the Chair and Vice Chair**
7:30 p.m. - 7th Floor Hearing Room, Stella Werner Council Office Building - Rockville, MD
- Tuesday, November 16, 2010** **Montgomery County Delegation - Annual meeting with the Montgomery County Board of Education** in the auditorium of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, to discuss key issues facing our school system and community.
7:30 - 9:00 p.m.
- Thursday, November 18, 2010** **Joint House and Senate Priorities Hearing** - 7:00 p.m. - 3rd Floor Hearing Room, Stella Werner Council Office Bldg., 100 Maryland Ave., Rockville, MD 20850 - This hearing is an opportunity for the public to respond to the Road Show and to bring other issues of importance for the 2010 Session to the attention of the legislators.
[Click here to sign up to testify.](#)
- Monday, December 6, 2010** **House Hearing for local bills** - 7:00 p.m. - 3rd Floor Hearing Room, Stella Werner Council Office Bldg., 100 Maryland Ave., Rockville, MD 20850 - Local bills refer to legislation affecting issues specific to Montgomery County.
[Click here to sign up to testify.](#)
- Thursday, December 9, 2010** **House Hearing for bi-county bills** - 7:00 p.m. - 3rd Floor Hearing Room, Stella Werner Council Office Bldg., 100 Maryland Ave., Rockville, MD 20850 - Bi-County bills refer to legislation that requires the approval of the Montgomery County and the Prince George's County Delegations.
[Click here to sign up to testify.](#)

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