
By: Montgomery County Delegation

Introduced and read first time: February 1, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - Matthew Henson State Park - Commission and Construction**

3 **MC 620-96**

4 FOR the purpose of establishing a Matthew Henson State Park Commission; establishing
5 the membership of the Commission; providing for the selection of members and
6 chairman of the Commission; establishing certain requirements for the conduct of
7 business by the Commission; requiring that proposed construction in Matthew
8 Henson State Park be presented to the Commission for approval; authorizing the
9 Commission to approve or deny proposed construction; authorizing the construction
10 of a hiker/biker trail in Matthew Henson State Park under certain conditions;
11 authorizing the construction of a public pavilion in Matthew Henson State Park
12 under certain conditions and assigning the pavilion certain responsibilities;
13 authorizing the Park Police of the Maryland-National Capital Park and Planning
14 Commission to have concurrent jurisdiction in Matthew Henson State Park under
15 certain conditions; and generally relating to the management of Matthew Henson
16 State Park.

17 BY repealing and reenacting, with amendments,

18 Article - Natural Resources

19 Section 5-1004

20 Annotated Code of Maryland

21 (1989 Replacement Volume and 1995 Supplement)

22 BY adding to

23 Article - Natural Resources

24 Section 5-1004.1

25 Annotated Code of Maryland

26 (1989 Replacement Volume and 1995 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

28 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Natural Resources**

2 5-1004.

3 (a) (1) The lands between Viers Mill Road and Georgia Avenue described in
4 the 1980 Highway Needs Inventory as the right-of-way reserved for the Rockville facility
5 in Montgomery County, being owned by the State, shall be:

6 (i) Designated as the Matthew Henson State Park; and

7 (ii) [Held] EXCEPT AS PROVIDED IN SUBSECTION (B)(3) OF THIS
8 SECTION, HELD by the State as a State park under the protection and administration of
9 the Department.

10 (2) [The] EXCEPT AS PROVIDED IN SUBSECTION (B)(3) OF THIS
11 SECTION, THE Department shall exercise the same power of adopting regulations and
12 managing Matthew Henson State Park as is done for any other State park.

13 (b) (1) Any land acquired under subsection (a) of this section is subject to all of
14 the public general laws enacted by the General Assembly that are not inconsistent with
15 this section. However, the provisions of this section prevail over any other State law
16 enacted before July 1, 1989.

17 (2) If specifically authorized by an act of the General Assembly, a part of
18 the Matthew Henson State Park may be used for transportation purposes.

19 (3) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
20 MATTHEW HENSON STATE PARK COMMISSION, AS PROVIDED IN § 5-1004.1 OF THIS
21 SUBTITLE, SHALL HAVE THE SOLE AUTHORITY TO APPROVE OR DENY ALL
22 PROPOSALS FOR CONSTRUCTION IN THE MATTHEW HENSON STATE PARK.

23 (C) NOTWITHSTANDING SUBSECTION (B)(2) OF THIS SECTION, A HIKER/BIKER
24 TRAIL MAY BE CONSTRUCTED WITHIN MATTHEW HENSON STATE PARK, PROVIDED
25 THAT:

26 (1) THE HIKER/BIKER TRAIL IS APPROVED IN ACCORDANCE WITH §
27 5-1004.1(B) OF THIS SUBTITLE; AND

28 (2) THE PUBLICLY OWNED PORTION OF THE PROPERTY IDENTIFIED AS
29 ASPEN HILL CRITICAL PARCEL 13 IN THE AMENDMENT TO THE GENERAL PLAN FOR
30 THE PHYSICAL DEVELOPMENT OF THE MARYLAND-WASHINGTON REGIONAL
31 DISTRICT IS PERMANENTLY MADE A PART OF MATTHEW HENSON STATE PARK.

32 (D) (1) A PUBLIC PAVILION, NAMED IN HONOR OF SENATOR IDA MAE
33 GARROTT, MAY BE CONSTRUCTED WITHIN MATTHEW HENSON STATE PARK
34 PROVIDED THAT IT IS APPROVED IN ACCORDANCE WITH § 5-1004.1(D) OF THIS
35 SUBTITLE.

36 (2) THE PUBLIC PAVILION SHALL:

37 (I) PROVIDE SERVICES TO HIKERS AND BIKERS; AND

38 (II) DISSEMINATE INFORMATION TO THE PUBLIC ABOUT
39 MATTHEW HENSON STATE PARK.

3

1 (E) EXCEPT AS THE GOVERNOR MAY OTHERWISE PROVIDE BY EXECUTIVE
2 ORDER, THE PARK POLICE OF THE MARYLAND-NATIONAL CAPITAL PARK AND
3 PLANNING COMMISSION SHALL HAVE CONCURRENT JURISDICTION WITHIN
4 MATTHEW HENSON STATE PARK.

5 5-1004.1.

6 (A) IN THIS SECTION "COMMISSION" MEANS THE MATTHEW HENSON STATE
7 PARK COMMISSION.

8 (B) (1) THERE IS A MATTHEW HENSON STATE PARK COMMISSION IN THE
9 DEPARTMENT.

10 (2) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE
11 COMMISSION IS SUBJECT TO § 1-102(C) OF THIS ARTICLE.

12 (C) (1) THE COMMISSION CONSISTS OF NINE MEMBERS.

13 (2) OF THE NINE MEMBERS:

14 (I) FIVE ARE APPOINTED BY THE GOVERNOR WITH THE ADVICE
15 OF THE SECRETARY;

16 (II) THREE ARE APPOINTED BY A MAJORITY VOTE OF MEMBERS
17 OF THE MONTGOMERY COUNTY DELEGATION TO THE MARYLAND HOUSE OF
18 DELEGATES; AND

19 (III) ONE IS APPOINTED BY A MAJORITY VOTE OF MEMBERS OF THE
20 MONTGOMERY COUNTY DELEGATION TO THE MARYLAND SENATE.

21 (3) FROM AMONG THE MEMBERS, THE GOVERNOR SHALL SELECT A
22 CHAIRMAN OF THE COMMISSION.

23 (4) EACH MEMBER OF THE COMMISSION WILL SERVE AT THE PLEASURE
24 OF THE AUTHORITY THAT APPOINTED THE MEMBER.

25 (5) (I) A MAJORITY OF THE MEMBERS THEN SERVING ON THE
26 COMMISSION CONSTITUTES A QUORUM.

27 (II) THE COMMISSION MAY ACT UPON A MAJORITY VOTE OF THE
28 QUORUM.

29 (6) A MEMBER OF THE COMMISSION MAY NOT RECEIVE
30 COMPENSATION FOR ACTIVITIES PERFORMED ON BEHALF OF THE COMMISSION.

31 (D) THE COMMISSION MAY APPROVE CONSTRUCTION IN THE MATTHEW
32 HENSON STATE PARK ONLY IF THE COMMISSION FINDS THAT THE CONSTRUCTION,
33 INCLUDING THE LOCATION AND METHOD OF CONSTRUCTION, IS:

34 (1) CONSISTENT WITH THE ENVIRONMENTALLY SENSITIVE NATURE OF
35 THE PARK; AND

36 (2) IN THE PUBLIC INTEREST.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1996.