

HOUSE BILL 675

L5

5lR0448

By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: February 12, 2015

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2015

CHAPTER _____

1 AN ACT concerning

2 ~~Maryland National Capital Park and Planning Commission Reform Act of 2015~~
3 Prince George's County – Maryland–National Capital Park and Planning
4 Commission – Performance Audit

5 MC/PG 104–15

6 FOR the purpose of ~~establishing that the Maryland Youth Camp Act and the regulations~~
7 ~~issued under the Act apply to programs and activities directed or operated by the~~
8 ~~Maryland National Capital Park and Planning Commission in Prince George's~~
9 ~~County; altering a certain defined term to repeal the authority of the Commission to~~
10 ~~receive funds and determine an annual program in Prince George's County under~~
11 ~~Program Open Space; prohibiting the Commission from purchasing certain interests~~
12 ~~or rights in real property in Prince George's County for the preservation of open space~~
13 ~~without the prior approval of the Prince George's County Council acting in a certain~~
14 ~~capacity; repealing the delegation to the Commission of the authority granted to~~
15 ~~Prince George's County relating to the Patuxent River Watershed plan; requiring~~
16 ~~the Clerk of the Circuit Court for Prince George's County to charge the Commission~~
17 ~~a certain recordation fee; repealing an exemption from State requirements for public~~
18 ~~improvements for Commission projects in Prince George's County; requiring the~~
19 ~~Office of Legislative Audits in the Department of Legislative Services to conduct a~~
20 ~~certain performance audit of the Commission on request of a certain person;~~
21 ~~requiring the Department, on or before a certain date, to conduct a comprehensive~~
22 ~~evaluation of the Commission's operations and activities relating to Prince George's~~
23 ~~County and to submit a certain report to the General Assembly; requiring the~~
24 ~~Department to conduct a certain subsequent evaluation on request of a certain~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~person; requiring the Commission during a certain evaluation to promptly provide~~
~~certain information and cooperate with the Department to carry out certain~~
~~requirements; authorizing the Commission to provide certain information in a~~
~~format that protects the confidentiality of individuals; requiring the Department to~~
~~follow procedures to maintain the confidentiality of certain information, documents,~~
~~or proceedings; defining a certain term; and generally relating to the powers of the~~
~~Maryland National Capital Park and Planning Commission~~ requiring the Office of
Legislative Audits to conduct a performance audit evaluating certain
Maryland-National Capital Park and Planning Commission project management
practices in Prince George's County; requiring the Office of Legislative Audits, before
initiating the audit, to coordinate with the Commission to develop the scope of the
audit and submit the scope of the audit to the Joint Audit Committee for approval;
specifying the scope of the audit; requiring that the Office of Legislative Audits have
access to and be allowed to inspect certain records for the purpose of performing the
audit; and generally relating to a performance audit of the Commission's project
management practices in Prince George's County.

~~BY repealing and reenacting, with amendments,~~
~~Article — Health — General~~
~~Section 14-402(a)(2)~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article — Health — General~~
~~Section 14-411~~
~~Annotated Code of Maryland~~
~~(2009 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article — Natural Resources~~
~~Section 5-901(a) and 5-903(b)(1)~~
~~Annotated Code of Maryland~~
~~(2012 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article — Natural Resources~~
~~Section 5-901(g), 5-1202(a), 8-1301, and 8-1304~~
~~Annotated Code of Maryland~~
~~(2012 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article — Real Property~~
~~Section 3-603~~
~~Annotated Code of Maryland~~
~~(2010 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, with amendments,
 Article — State Finance and Procurement
 Section 4—402(a)
 Annotated Code of Maryland
 (2009 Replacement Volume and 2014 Supplement)~~

~~BY repealing and reenacting, without amendments,
 Article — State Government
 Section 2—1201(a) and (b)
 Annotated Code of Maryland
 (2014 Replacement Volume)~~

~~BY adding to
 Article — State Government
 Section 2—1220(g) and 2—1250
 Annotated Code of Maryland
 (2014 Replacement Volume)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That ~~the Laws of Maryland read as follows:~~

(a) The Office of Legislative Audits shall conduct a performance audit evaluating the Maryland–National Capital Park and Planning Commission’s project management practices relating to its capital program in Prince George’s County.

(b) (1) Before initiating the audit, the Office of Legislative Audits shall:

(i) coordinate with the Maryland–National Capital Park and Planning Commission to develop the scope of the audit; and

(ii) submit the scope of the audit to the Joint Audit Committee for approval.

(2) The scope of the audit may include planning, executing, and monitoring of individual capital projects.

(c) Consistent with the audit procedures under § 2–1223 of the State Government Article, when performing the audit, the employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect all relevant records of the Commission and its contractors, including records that are confidential by law.

~~Article — Health — General~~

~~14—402.~~

~~(a) This subtitle and the regulations issued under this subtitle do not apply to:~~

~~(2) Subject to subsection (b) of this section, programs or activities directed or operated by a board of recreation, recreation department, or similar public unit of a county, a municipality, as defined by § 1-101 of the Local Government Article, or the Maryland National Capital Park and Planning Commission IN MONTGOMERY COUNTY, that involve use of neighborhood facilities, including:~~

- ~~(i) Schools;~~
- ~~(ii) Playgrounds;~~
- ~~(iii) Parks; or~~
- ~~(iv) Recreation centers;~~

~~14-411.~~

~~This subtitle may be cited as the "Maryland Youth Camp Act".~~

~~Article Natural Resources~~

~~5-901.~~

~~(a) In this subtitle the following terms have the meanings indicated.~~

~~(g) "Local governing body" means [the Maryland National Capital Park and Planning Commission and] the governing body of any county or Baltimore City AND, IN MONTGOMERY COUNTY ONLY, THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION.~~

~~5-903.~~

~~(b) (1) The General Assembly shall appropriate the remaining funds not appropriated under subsection (a) of this section to assist local governing bodies in acquisition and development of land for recreation and open space purposes, including the provision of public access to the land.~~

~~5-1202.~~

~~(a) (1) Acquisition of interests or rights in real property for preservation of open spaces and areas constitutes a public purpose for which public funds may be expended or advanced. [Any] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ANY county, city, the Maryland National Capital Park and Planning Commission, and the Department may acquire, by purchase, any inter vivos or testamentary gift, or lease, the fee or any lesser interest, or development right, necessary to achieve this end. [Any] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ANY county, city, the Maryland National Capital Park and Planning Commission, and the Department also may purchase or acquire by~~

~~contract or gift the fee to any property for the purpose of conveying or leasing the property back to its original owner or other person under covenants or other contractual arrangements which limit future use of the property in accordance with the purposes of this section. The county or city may not acquire any fee or any lesser interest in real property for these purposes by purchase or contract requiring a monetary consideration exceeding \$500, unless the governing body of the county or city after a public hearing adopts a resolution or formal order declaring the public purpose or use. However, no owner whose property is being used for farming is subject to any condemnation or other land acquisition proceeding for the purposes of this section, by the county, city, Maryland National Capital Park and Planning Commission, or the Department, if the owner has granted a scenic easement to the Department, Commission, or political subdivision.~~

~~(2) THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION MAY NOT PURCHASE PROPERTY IN PRINCE GEORGE'S COUNTY UNDER THIS SECTION UNLESS THE PURCHASE IS APPROVED BY THE COUNTY COUNCIL ACTING AS THE DISTRICT COUNCIL UNDER DIVISION II OF THE LAND USE ARTICLE.~~

~~§ 1301.~~

~~(a) In this subtitle the following words have the meanings indicated.~~

~~(b) (1) "Duly designated agency" means any public body corporate, whether exercising local or regional authority, in any of the counties listed in § 8-1303 of this subtitle, which shall be officially designated by either or any of the counties which executes the programs and purposes of this subtitle within any of the counties.~~

~~(2) However, in Montgomery [and Prince George's counties] COUNTY, the Maryland National Capital Park and Planning Commission is the duly designated agency of [these counties] THE COUNTY to carry out the provisions of this subtitle.~~

~~(c) "Watershed" means the Patuxent River Watershed.~~

~~§ 1304.~~

~~(a) The Maryland National Capital Park and Planning Commission shall have and exercise the authority granted by the provisions of this subtitle to the [appropriate county] governing body OF MONTGOMERY COUNTY or its duly designated agency to the extent it pertains to:~~

~~(1) Adopting the Watershed plan;~~

~~(2) Acquisition, improvement, maintenance and operation of lands and other property for the purposes stated in this subtitle; and~~

1 ~~(3) Adopting regulations affecting the lands and property and leasing,~~
 2 ~~contracting, and permit authority granted under this subtitle.~~

3 ~~(b) This power and authority is in addition to that which is stated in Division II~~
 4 ~~of the Land Use Article.~~

5 ~~Article — Real Property~~

6 ~~§ 603.~~

7 ~~(A) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE~~
 8 ~~clerk may not charge any county, any municipality, the Maryland National Capital Park~~
 9 ~~and Planning Commission, or the Washington Suburban Sanitary Commission any fee~~
 10 ~~provided by this subtitle unless the county, municipality, or respective commission first~~
 11 ~~gives its consent. No charge may be made against the Comptroller for any service performed~~
 12 ~~in connection with the recording and indexing of property liens arising under the Maryland~~
 13 ~~income tax or the Maryland sales and use tax laws.~~

14 ~~(B) THE CLERK SHALL CHARGE THE MARYLAND NATIONAL CAPITAL PARK~~
 15 ~~AND PLANNING COMMISSION ANY FEE PROVIDED BY THIS SUBTITLE FOR THE~~
 16 ~~RECORDATION OF AN INSTRUMENT IN PRINCE GEORGE'S COUNTY.~~

17 ~~Article — State Finance and Procurement~~

18 ~~4-402.~~

19 ~~(a) Except as provided in § 4-400 of this subtitle, this subtitle does not apply to~~
 20 ~~any public improvement made by:~~

21 ~~(1) the Department of Transportation or a unit in that Department;~~

22 ~~(2) any housing authority created under Division II of the Housing and~~
 23 ~~Community Development Article;~~

24 ~~(3) the Maryland National Capital Park and Planning Commission IN~~
 25 ~~MONTGOMERY COUNTY;~~

26 ~~(4) the Washington Suburban Sanitary Commission;~~

27 ~~(5) the Baltimore County Metropolitan District;~~

28 ~~(6) a county, municipal corporation, or unit of a county or municipal~~
 29 ~~corporation;~~

30 ~~(7) the University System of Maryland;~~

1 ~~(8) Morgan State University; or~~

2 ~~(9) St. Mary's College of Maryland.~~

3 ~~Article State Government~~

4 ~~2-1201.~~

5 ~~(a) In this subtitle the following words have the meanings indicated.~~

6 ~~(b) "Department" means the Department of Legislative Services.~~

7 ~~2-1220.~~

8 ~~(c) (1) THE OFFICE OF LEGISLATIVE AUDITS SHALL CONDUCT A~~
9 ~~PERFORMANCE AUDIT OF THE MARYLAND NATIONAL CAPITAL PARK AND~~
10 ~~PLANNING COMMISSION TO EVALUATE THE EFFECTIVENESS AND EFFICIENCY OF~~
11 ~~THE MANAGEMENT PRACTICES OF THE COMMISSION RELATING TO PRINCE~~
12 ~~GEORGE'S COUNTY ON REQUEST OF:~~

13 ~~(i) THE JOINT AUDIT COMMITTEE;~~

14 ~~(ii) THE PRINCE GEORGE'S COUNTY DELEGATION TO THE~~
15 ~~GENERAL ASSEMBLY;~~

16 ~~(iii) THE PRINCE GEORGE'S COUNTY EXECUTIVE; OR~~

17 ~~(iv) THE PRINCE GEORGE'S COUNTY COUNCIL.~~

18 ~~(2) FOR EACH PROJECT PROPOSED IN PRINCE GEORGE'S COUNTY,~~
19 ~~AN AUDIT CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL~~
20 ~~INCLUDE A REVIEW OF THE PERIOD OF TIME FROM PROJECT PROPOSAL TO~~
21 ~~COMPLETION AND ANY COST OVERRUNS.~~

22 ~~2-1250.~~

23 ~~(A) IN THIS SECTION, "COMMISSION" MEANS THE MARYLAND NATIONAL~~
24 ~~CAPITAL PARK AND PLANNING COMMISSION.~~

25 ~~(B) ON OR BEFORE DECEMBER 1, 2016, THE DEPARTMENT SHALL:~~

26 ~~(1) CONDUCT A COMPREHENSIVE EVALUATION OF THE~~
27 ~~COMMISSION'S OPERATIONS AND ACTIVITIES RELATING TO PRINCE GEORGE'S~~
28 ~~COUNTY; AND~~

~~(2) SUBJECT TO § 2-1246 OF THIS SUBTITLE, SUBMIT TO THE GENERAL ASSEMBLY A REPORT REGARDING THE COMMISSION'S OPERATIONS AND ACTIVITIES RELATING TO PRINCE GEORGE'S COUNTY THAT ADDRESSES:~~

~~(I) THE PURPOSE FOR WHICH THE COMMISSION WAS ESTABLISHED;~~

~~(II) WHETHER THE COMMISSION OPERATES EFFICIENTLY AND EFFECTIVELY TO CARRY OUT ITS PURPOSE;~~

~~(III) WHETHER ANY CONDITIONS HAVE CHANGED SINCE THE COMMISSION WAS ESTABLISHED THAT SUGGEST A NEED TO ALTER THE COMMISSION'S OPERATIONS OR ACTIVITIES;~~

~~(IV) WHETHER THE PUBLIC HEALTH, SAFETY, OR WELFARE WOULD BE AFFECTED SIGNIFICANTLY IF THE COMMISSION DID NOT EXIST;~~

~~(V) THE SOURCES OF THE COMMISSION'S FUNDS;~~

~~(VI) WHETHER THE BUDGET AND STAFF RESOURCES OF THE COMMISSION MEET OR EXCEED THE RESOURCES NECESSARY TO CARRY OUT THE COMMISSION'S LEGISLATIVE OBJECTIVES;~~

~~(VII) WHETHER THE COMMISSION OPERATES IN AN OPEN AND ACCOUNTABLE MANNER THAT INCLUDES PUBLIC ACCESS TO RECORDS AND MEETINGS, SAFEGUARDS AGAINST CONFLICTS OF INTEREST, AND ENCOURAGES PUBLIC PARTICIPATION;~~

~~(VIII) ANY PROBLEMS THE DEPARTMENT IDENTIFIES REGARDING IMPLEMENTATION OF THE COMMISSION'S MANDATE OR STATUTORY REQUIREMENTS;~~

~~(IX) ANY RECOMMENDATIONS FOR STATUTORY OR NONSTATUTORY CHANGES TO IMPROVE THE OPERATIONS OR ACTIVITIES OF THE COMMISSION; AND~~

~~(X) ANY OTHER INFORMATION THE DEPARTMENT CONSIDERS APPROPRIATE.~~

~~(C) AFTER THE EVALUATION AND REPORT REQUIRED UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL CONDUCT A PARTIAL OR COMPREHENSIVE EVALUATION OF THE COMMISSION'S OPERATIONS AND ACTIVITIES RELATING TO PRINCE GEORGE'S COUNTY ON REQUEST OF:~~

1 ~~(1) THE PRINCE GEORGE'S COUNTY DELEGATION TO THE GENERAL~~
2 ~~ASSEMBLY;~~

3 ~~(2) THE PRINCE GEORGE'S COUNTY EXECUTIVE; OR~~

4 ~~(3) THE PRINCE GEORGE'S COUNTY COUNCIL.~~

5 ~~(D) (1) DURING AN EVALUATION REQUIRED UNDER THIS SECTION, THE~~
6 ~~COMMISSION SHALL:~~

7 ~~(I) PROMPTLY PROVIDE ANY INFORMATION THE DEPARTMENT~~
8 ~~REQUESTS; AND~~

9 ~~(II) OTHERWISE COOPERATE WITH THE DEPARTMENT TO~~
10 ~~CARRY OUT THIS SECTION.~~

11 ~~(2) THE COMMISSION MAY PROVIDE INFORMATION REQUESTED~~
12 ~~UNDER PARAGRAPH (1) OF THIS SUBSECTION IN A FORMAT THAT PROTECTS THE~~
13 ~~CONFIDENTIALITY OF INDIVIDUALS AS NECESSARY.~~

14 ~~(3) THE DEPARTMENT SHALL FOLLOW PROCEDURES TO MAINTAIN~~
15 ~~THE CONFIDENTIALITY OF ANY INFORMATION, DOCUMENTS, OR PROCEEDINGS~~
16 ~~OBTAINED OR OBSERVED IN THE COURSE OF CARRYING OUT THE REQUIREMENTS~~
17 ~~OF THIS SECTION.~~

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.