
By: Montgomery County Delegation

Introduced and read first time: February 1, 1996

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 1996

CHAPTER ____

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 or other recreational trail in Matthew Henson State Park under~~
11 ~~certain conditions; authorizing the construction of a public pavilion in Matthew~~
12 ~~Henson State Park under certain conditions and assigning the pavilion certain~~
13 ~~responsibilities; authorizing the Park Police of the Maryland National Capital Park~~
14 ~~and Planning Commission to have concurrent jurisdiction in Matthew Henson State~~
15 ~~Park under certain conditions; and generally relating to the management of~~
16 ~~Matthew Henson 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~~

2

1 ~~Annotated Code of Maryland~~
2 ~~(1989 Replacement Volume and 1995 Supplement)~~

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

5 **Article - Natural Resources**

6 5-1004.

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

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

11 (ii) ~~{Held}~~ EXCEPT AS PROVIDED IN SUBSECTION (B)(3) OF THIS
12 SECTION, HELD by the State as a State park under the protection and administration of
13 the Department.

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

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

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

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

27 ~~(C) NOTWITHSTANDING SUBSECTION (B)(2) OF THIS SECTION,~~

28 (C) (1) SUBJECT TO THE AVAILABILITY OF LOCAL, STATE, OR FEDERAL
29 FUNDS, INCLUDING ANY NECESSARY MATCHING FUNDS, AND SUBJECT TO THE
30 PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION;

31 (1) A HIKER/BIKER OR OTHER RECREATIONAL TRAIL MAY BE
32 CONSTRUCTED WITHIN MATTHEW HENSON STATE PARK, PROVIDED THAT:

33 ~~(1) THE HIKER/BIKER TRAIL IS APPROVED IN ACCORDANCE WITH §~~
34 ~~5-1004.1(B) OF THIS SUBTITLE; AND~~

35 ~~(2) , WITH THE EXCEPTION OF PROPERTY PURCHASED WITH~~
36 ~~ADVANCED LAND ACQUISITION REVOLVING FUNDS, THE PUBLICLY OWNED~~
37 ~~PORTION OF THE PROPERTY IDENTIFIED AS ASPEN HILL CRITICAL PARCEL 13 IN THE~~
38 ~~AMENDMENT TO THE GENERAL PLAN FOR THE PHYSICAL DEVELOPMENT OF THE~~
39 ~~MARYLAND WASHINGTON REGIONAL DISTRICT SIGNIFICANT PARCEL NO. 13 IN THE~~

3

1 ASPEN HILL MASTER PLAN IS PERMANENTLY MADE A PART OF MATTHEW HENSON
2 STATE PARK.

3 ~~(D)(1) ; AND~~

4 ~~(II) A PUBLIC PAVILION, NAMED IN HONOR OF SENATOR IDA MAE~~
5 IDAMAE GARROTT, MAY BE CONSTRUCTED WITHIN MATTHEW HENSON STATE
6 PARK, ~~PROVIDED THAT IT IS APPROVED IN ACCORDANCE WITH § 5-1004.1(D) OF THIS~~
7 ~~SUBTITLE.~~

8 ~~(2) THE PUBLIC PAVILION SHALL:~~

9 ~~(I) PROVIDE SERVICES TO HIKERS AND BIKERS; AND~~

10 ~~(II) DISSEMINATE INFORMATION TO THE PUBLIC ABOUT~~
11 ~~MATTHEW HENSON STATE PARK.~~

12 ~~(E) EXCEPT AS THE GOVERNOR MAY OTHERWISE PROVIDE BY EXECUTIVE~~
13 ~~ORDER, THE PARK POLICE OF THE MARYLAND NATIONAL CAPITAL PARK AND~~
14 ~~PLANNING COMMISSION SHALL HAVE CONCURRENT JURISDICTION WITHIN~~
15 ~~MATTHEW HENSON STATE PARK.~~

16 ~~5-1004.1.~~

17 ~~(A) IN THIS SECTION "COMMISSION" MEANS THE MATTHEW HENSON STATE~~
18 ~~PARK COMMISSION.~~

19 ~~(B)(1) THERE IS A MATTHEW HENSON STATE PARK COMMISSION IN THE~~
20 ~~DEPARTMENT.~~

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

23 ~~(C)(1) THE COMMISSION CONSISTS OF NINE MEMBERS.~~

24 ~~(2) OF THE NINE MEMBERS:~~

25 ~~(I) FIVE ARE APPOINTED BY THE GOVERNOR WITH THE ADVICE~~
26 ~~OF THE SECRETARY;~~

27 ~~(II) THREE ARE APPOINTED BY A MAJORITY VOTE OF MEMBERS~~
28 ~~OF THE MONTGOMERY COUNTY DELEGATION TO THE MARYLAND HOUSE OF~~
29 ~~DELEGATES; AND~~

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

32 ~~(3) FROM AMONG THE MEMBERS, THE GOVERNOR SHALL SELECT A~~
33 ~~CHAIRMAN OF THE COMMISSION.~~

34 ~~(4) EACH MEMBER OF THE COMMISSION WILL SERVE AT THE PLEASURE~~
35 ~~OF THE AUTHORITY THAT APPOINTED THE MEMBER.~~

36 ~~(5)(I) A MAJORITY OF THE MEMBERS THEN SERVING ON THE~~
37 ~~COMMISSION CONSTITUTES A QUORUM.~~

4

1 ~~(H) THE COMMISSION MAY ACT UPON A MAJORITY VOTE OF THE~~
2 ~~QUORUM.~~

3 ~~(6) A MEMBER OF THE COMMISSION MAY NOT RECEIVE~~
4 ~~COMPENSATION FOR ACTIVITIES PERFORMED ON BEHALF OF THE COMMISSION.~~

5 ~~(D) THE COMMISSION MAY APPROVE CONSTRUCTION IN THE MATTHEW~~
6 ~~HENSON STATE PARK ONLY IF THE COMMISSION FINDS THAT THE CONSTRUCTION,~~
7 ~~INCLUDING THE LOCATION AND METHOD OF CONSTRUCTION, IS:~~

8 ~~(1) CONSISTENT WITH THE ENVIRONMENTALLY SENSITIVE NATURE OF~~
9 ~~THE PARK; AND~~

10 ~~(2) IN THE PUBLIC INTEREST~~

11 (2) PRIOR TO THE CONSTRUCTION OF A HIKER/BIKER OR OTHER
12 RECREATIONAL TRAIL OR PAVILION IN MATTHEW HENSON STATE PARK, THE
13 DEPARTMENT OF NATURAL RESOURCES OR OTHER APPROPRIATE GOVERNMENTAL
14 AGENCY SHALL:

15 (I) REVIEW ALL STUDIES CONCERNING THE ENVIRONMENTAL
16 IMPACT AND TRAIL ALIGNMENT OPTIONS PREPARED FOR THE MONTGOMERY
17 COUNTY PARKS COMMISSION;

18 (II) DETERMINE THAT CONSTRUCTION, INCLUDING THE
19 LOCATION AND METHOD OF CONSTRUCTION, IS CONSISTENT WITH THE
20 ENVIRONMENTALLY SENSITIVE NATURE OF THE PARK AND IS IN THE PUBLIC
21 INTEREST; AND

22 (III) OBTAIN THE APPROVAL OF THE MONTGOMERY COUNTY
23 PARKS COMMISSION, THE MONTGOMERY COUNTY COUNCIL, AND THE COUNTY
24 EXECUTIVE.

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