

BY: Commerce and Government Matters Committee

AMENDMENTS TO HOUSE BILL NO. 894

(First Reading File Bill)

AMENDMENT NO. 1

In line 2, strike “Statutory Structure” and substitute “Organization and Services in Prince George’s County”.

Strike beginning with “repealing” in line 4 down through “MNCPPC.” in line 6 and substitute “altering various provisions of law relating to the Maryland-National Capital Park and Planning Commission and Prince George’s County; requiring a certain majority of the Prince George’s County Council to restore certain budget items; authorizing the Commission to receive and expend certain contributions for financing land acquisition, development, or redevelopment under certain circumstances; authorizing the County to transfer certain title, control, maintenance, or operation of certain land to the Redevelopment Authority of the County, the Revenue Authority of the County, or other governmental entity in the County under certain circumstances; authorizing the County, by ordinance, to provide certain historic preservation, outreach and marketing, and maintenance of historic properties activities of the Commission under certain circumstances; authorizing the County, by ordinance, to provide certain revitalization and redevelopment activities of the Commission in the County and the management and marketing of certain enterprise operations; authorizing the Commission to include certain libraries, recreation centers, health services facilities, and elder care facilities in certain budget provisions for the acquisition of certain lands; authorizing the Commission to transfer certain land to the Redevelopment Authority or Revenue Authority of the County under certain circumstances; requiring the education facility master plan in the County to include certain interagency utilization of neighborhood schools under certain circumstances; requiring the Office of Legislative Audits to conduct audits of the Commission under certain circumstances; providing for certain constructions of this Act; requiring the Commission to review certain best practices relating to historic preservation and marketing; requiring the Commission to issue a certain report to the County by a certain date; and generally relating to the Maryland-National Capital Park and Planning Commission and Prince George’s County.”.

(Over)

In line 7, strike “without” and substitute “with”; after line 8, insert “Section 2-118(a)(5), 5-102, 5-103, 5-304, and 7-106(d) and (f)”; and after line 10, insert:

“BY adding to

Article 28 - Maryland-National Capital Park and Planning Commission
Section 5-401 to be under the new subtitle “Subtitle 4. Revitalization and
Redevelopment Activities”
Annotated Code of Maryland
(1997 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - Education
Section 5-307
Annotated Code of Maryland
(1997 Replacement Volume)

BY adding to

Article - State Government
Section 2-1215(d)
Annotated Code of Maryland
(1995 Replacement Volume and 1996 Supplement)”.

AMENDMENT NO. 2

Strike beginning with “Article” in line 12 down through “amendments.” in line 14 and substitute “the Laws of Maryland read as follows:

Article 28 - Maryland-National Capital Park and Planning Commission

2-118.

(a) None of the provisions of any public general law governing the preparation and filing of budgets by agencies of the State of Maryland are applicable to the budgetary procedure of the Commission. Except as hereinafter provided, the budget programs and procedures heretofore followed by the Commission are ratified and confirmed and approved for use by the Commission

hereafter, together with such improvements therein as, in the discretion of the Commission, be deemed necessary or appropriate in the public interest.

(5) Each county council, upon approval of the budget, shall deliver it within three calendar days to the respective county executive who, within ten days thereafter, may disapprove or reduce any item contained in it. If the county executive disapproves, reduces or modifies any item in the budget, [he] THE COUNTY EXECUTIVE shall return it to the respective county council with the reasons for [his] THE COUNTY EXECUTIVE'S disapproval or reduction stated in writing. Budget item refers to items within the funds described herein or the planning work program. [The Montgomery County Council] EACH COUNTY COUNCIL may, by affirmative vote of 6 of its members, [and the Prince George's County Council may, by affirmative vote of a majority of its members,] reapprove or restore any item over the disapproval of the respective county executive within 30 calendar days.

5-102.

(A) For the purpose of financing or assisting in the financing of the acquisition of land or other property for parks, parkways, forests, streets, roads, boulevards, or other public ways, grounds, or spaces within the metropolitan district, or for the purposes of public recreation, or for its improvement or development, the Commission may receive and expend any contributions, donations, or appropriations which may be made for these purposes or any of them, by the United States, the District of Columbia, the State of Maryland, any other political community, or any private person.

(B) FOR THE PURPOSES OF FINANCING OR ASSISTING IN THE FINANCING OF LAND ACQUISITION, DESIGN, DEVELOPMENT, REDEVELOPMENT, OR REVITALIZATION IN PRINCE GEORGE'S COUNTY, THE COMMISSION MAY RECEIVE AND EXPEND ANY CONTRIBUTIONS, DONATIONS, OR APPROPRIATIONS WHICH MAY BE MADE FOR THESE PURPOSES OR ANY OF THEM, BY THE UNITED STATES, THE DISTRICT OF COLUMBIA, THE STATE OF MARYLAND, ANY OTHER POLITICAL COMMUNITY, OR ANY PRIVATE PERSON.

5-103.

(Over)

(A) Title to the lands acquired under subsection 1 (a) of Public Law No. 284, 71st Congress, as amended, shall vest in the United States, as provided in that act.

(B) [The] EXCEPT AS PROVIDED UNDER SUBSECTION (D) OF THIS SECTION, THE title to any other land or property acquired shall not be placed in or granted to the United States or in or to any person, corporation, or political community other than the metropolitan district itself or the State of Maryland, without the approval of the General Assembly of Maryland.

(C) [The] EXCEPT AS PROVIDED UNDER SUBSECTION (D) OF THIS SECTION, THE control, maintenance, operation, or policing of any such other park, parkways, forest, street, road, boulevard, or other public way, ground, or space within the metropolitan district may not be placed in or surrendered to the United States or to any other person, corporation, or political community, other than the Commission itself, without the approval of the General Assembly of Maryland.

(D) IN PRINCE GEORGE'S COUNTY, THE TITLE, CONTROL, MAINTENANCE, OR OPERATION OF PROPERTY ACQUIRED WITHIN THE PRINCE GEORGE'S COUNTY PORTION OF THE METROPOLITAN DISTRICT MAY, BY ORDINANCE ENACTED BY THE COUNTY, BE TRANSFERRED TO:

(1) THE REDEVELOPMENT AUTHORITY OF PRINCE GEORGE'S COUNTY; OR

(2) THE REVENUE AUTHORITY OF PRINCE GEORGE'S COUNTY.

5-304.

(A) The powers and duties of the Program are vested in and exercised by:

(1) [The Board; and

(2)] In Montgomery County, the Board in consultation with the Montgomery County Historic Preservation Commission; AND

(2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IN PRINCE GEORGE'S COUNTY, THE BOARD.

(B) (1) IN PRINCE GEORGE'S COUNTY, THE COUNTY, BY ORDINANCE, MAY PROVIDE FOR THE HISTORIC PRESERVATION, OUTREACH AND MARKETING, AND MAINTENANCE OF HISTORIC PROPERTIES ACTIVITIES OF THE COMMISSION.

(2) AN ORDINANCE ENACTED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.

SUBTITLE 4. REVITALIZATION AND REDEVELOPMENT ACTIVITIES.

5-401.

(A) PRINCE GEORGE'S COUNTY, BY ORDINANCE, MAY PROVIDE FOR:

(1) THE REVITALIZATION AND REDEVELOPMENT ACTIVITIES OF THE COMMISSION IN PRINCE GEORGE'S COUNTY, INCLUDING:

(I) THE ORGANIZATION OR MANAGEMENT OF ANY REVITALIZATION OR REDEVELOPMENT ACTIVITIES OF THE COMMISSION; AND

(II) CONSOLIDATION OF COMMISSION ACTIVITIES WITH THE REDEVELOPMENT AUTHORITY OF PRINCE GEORGE'S COUNTY; AND

(2) THE MANAGEMENT AND MARKETING OF ENTERPRISE OPERATIONS BY THE COMMISSION IN PRINCE GEORGE'S COUNTY, INCLUDING CONSOLIDATION OF COMMISSION ACTIVITIES WITH THE REVENUE AUTHORITY OF PRINCE GEORGE'S COUNTY.

(B) AN ORDINANCE ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT IMPAIR OR ABROGATE:

(1) ANY RIGHT, MERIT SYSTEM RIGHT, PENSION RIGHT, OR BENEFIT OF

(Over)

ANY EMPLOYEE OF THE COMMISSION; OR

(2) ANY PENSION OBLIGATION OF THE COMMISSION FOR ANY COMMISSION EMPLOYEE.

7-106.

(d) (1) The Commission may include in its annual budget provision for the acquisition of lands needed for school sites, LIBRARIES, RECREATION CENTERS, HEALTH SERVICES FACILITIES, ELDER CARE FACILITIES, and other public uses in Prince George's County, provided that land may not be acquired for any project that is within the capital budget of the approved capital improvement program of Prince George's County.

(2) Provision also may be made for acquisition of lands in Prince George's County needed for State highways, streets, roads, or mass transit facilities, including busways and light rail facilities, that are shown on adopted and approved master plans and are included in the Maryland twenty-year highway needs study.

(3) All land acquisitions shall be subject to passage of an ordinance by the County Council.

(f) At any time after the acquisition, the Commission may transfer the land so acquired in any case to any construction agency of the State of Maryland, to the county, [or] to any incorporated municipality of Prince George's County, TO THE REDEVELOPMENT AUTHORITY OF PRINCE GEORGE'S COUNTY, OR THE REVENUE AUTHORITY OF PRINCE GEORGE'S COUNTY, upon repayment to the Commission of the funds so disbursed by the Commission for the land, plus interest. The amount of the repayment shall be placed in the land acquisition revolving fund. If the land acquired in any case is determined, by the State construction agency for the county or municipality OR BY THE REDEVELOPMENT AUTHORITY OR REVENUE AUTHORITY OF PRINCE GEORGE'S COUNTY, not to be required for public use, the Commission may use the land as a part of its park system, subject to the approval of the County Commissioners but this use by the Commission for park or recreation purposes is not a dedication for these purposes. If the land is determined by the Commission at any time not to be needed for park purposes the Commission may dispose of it in the manner provided elsewhere in this article.

Article - Education

5-307.

(A) The Interagency Committee on Public School Construction shall assist the Prince George's County Board of Education in developing an education facility master plan that encourages and supports the neighborhood school concept to improve the quality of education for all students in Prince George's County.

(B) THE EDUCATION FACILITY MASTER PLAN UNDER SUBSECTION (A) OF THIS SECTION SHALL BE UPDATED ANNUALLY.

(C) TO THE EXTENT THE PRINCE GEORGE'S COUNTY BOARD OF EDUCATION AND THE COUNTY CONSIDER APPROPRIATE, THE NEIGHBORHOOD SCHOOL CONCEPT OF THE EDUCATION FACILITY MASTER PLAN MAY INCLUDE INTERAGENCY UTILIZATION OF NEIGHBORHOOD SCHOOLS, INCLUDING JOINT USE OF SCHOOL FACILITIES AND PROPERTY OF:

(1) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION;

(2) THE PRINCE GEORGE'S COUNTY LIBRARY SYSTEM;

(3) THE PRINCE GEORGE'S COUNTY HEALTH DEPARTMENT;

(4) THE PRINCE GEORGE'S COUNTY POLICE DEPARTMENT;

(5) THE PRINCE GEORGE'S COUNTY DEPARTMENT OF SOCIAL SERVICES;

AND

(6) THE PRINCE GEORGE'S COUNTY DEPARTMENT OF FAMILY SERVICES.

(Over)

Article - State Government

2-1215.

(D) THE OFFICE OF LEGISLATIVE AUDITS SHALL AUDIT THE EXPENDITURES OR TAX REVENUES OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION RELATING TO PRINCE GEORGE'S COUNTY, BY REQUEST OF:

(1) THE JOINT BUDGET AND AUDIT COMMITTEE OF THE GENERAL ASSEMBLY;

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

(3) THE PRINCE GEORGE'S COUNTY COUNCIL.

SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act may not be construed to alter or affect any planning and zoning authority provided in Article 28 - Maryland-National Capital Park and Planning Commission of the Annotated Code of Maryland.

SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act may not be construed to impair or abrogate:

(a) the bond authority of the Maryland-National Capital Park and Planning Commission; or

(b) the established rights and security for holders of any Commission bonds.

SECTION 4. AND BE IT FURTHER ENACTED, That the Maryland-National Capital Park and Planning Commission shall review the best practices of historic preservation and marketing in the United States, and shall issue a report to the County Executive and County Council of Prince George's County by January 30, 1998, proposing a reorganization of the Commission's historic property maintenance and programming in Prince George's County to increase the marketing potential of the County's historic resources and increase private sector support and use of private sector resources for historic preservation and marketing in the County.”;

in line 15, strike “2.” and substitute “5.”; and in line 16, strike “October” and substitute “July”.