
By: Montgomery County and Prince George's County Delegations

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - MNCPPC Land Acquisition Revolving Fund - Bonding and**
3 **Taxing Authority**
4 **MC/PG 38-97**5 FOR the purpose of prohibiting the Maryland-National Capital Park and Planning
6 Commission (MNCPPC) from issuing or selling bonds to fund the land acquisition
7 revolving fund on or after a certain date; prohibiting the Prince George's County
8 Council from levying a tax at a rate greater than a certain rate; authorizing
9 MNCPPC to transfer certain land to a nongovernmental purchaser only after
10 offering the property for sale at a public auction; providing a right of first refusal to
11 the former owner of the property; requiring the proceeds from transfer to be placed
12 in the land acquisition revolving fund; and generally relating to the MNCPPC land
13 acquisition revolving fund.14 BY repealing and reenacting, with amendments,
15 Article 28 - Maryland-National Capital Park and Planning Commission
16 Section 7-106(e) and (f)
17 Annotated Code of Maryland
18 (1993 Replacement Volume and 1996 Supplement)19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:21 **Article 28 - Maryland-National Capital Park and Planning Commission**

22 7-106.

23 (e) For the purposes of this section, in Prince George's County and Montgomery
24 County, the Commission may establish in its annual budget a continuing land acquisition
25 revolving fund from which disbursements for the purposes of this section shall be made,
26 and the Commission may issue and sell serial bonds from time to time in amounts it
27 deems necessary for this purpose. However, in Prince George's County [the County
28 Council shall approve the Commission's issue and sale of bonds concerning that County],
29 NO BONDS MAY BE ISSUED OR SOLD ON OR AFTER JULY 1, 1997. The total amount of
30 the bonds outstanding at any time may not exceed an amount which can be redeemed
31 within 30 years from the date of issue by means of a tax of three cents on each \$100
32 assessed valuation in [Prince George's County and] Montgomery County; in making such

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1 calculation, assumptions may be made as set forth in § 6-101(b) of this article. The
2 provisions relating to form, interest rate, sale, redemption, guarantee, and liability
3 contained in § 6-101 (serial bonds, notes, and other obligations) shall be equally
4 applicable to bonds issued pursuant to the provisions of this section.

5 (1) (i) The Montgomery County Council may levy against all of the
6 property assessed for the purposes of County taxation, annually a tax of not less than one
7 cent or more than three cents on each \$100 of assessed valuation. The tax shall be levied
8 notwithstanding the fact that no interest may be due on the bonds or notes and/or
9 notwithstanding the fact that no bonds or notes whatever have been issued under this
10 title.

11 (ii) If a tax greater than one cent is levied in any year, then thereafter
12 the Montgomery County Council shall continue to levy a tax sufficient to pay the interest
13 on the bonds as it becomes due and to pay the principal thereof as they mature, the tax in
14 any one year not to exceed the limit heretofore provided. The tax need not be levied to
15 the extent that funds are available from the sources to make the payments in any year and
16 have been applied to or authorized for payment by the Commission.

17 (iii) Every 60 days the tax so levied and collected to date by the County
18 shall be remitted to the Commission. All proceeds from the tax not used for debt service
19 on the principal and interest of the bonds may be paid into the revolving fund for the uses
20 specified in this section, or for payment of debt service bonds issued under this section.
21 None of the provisions in this article relating to unexpended balances apply to the land
22 acquisition revolving fund.

23 (2) The Prince George's County Council shall levy an annual amount on all
24 property assessed for the purposes of County taxation sufficient to pay the interest on the
25 bond as it becomes due and to pay the principal as the bonds mature if the Prince
26 George's County Council has approved the issue and sale of these bonds. ON OR AFTER
27 JULY 1, 1997, THE PRINCE GEORGE'S COUNTY COUNCIL MAY NOT LEVY A TAX UNDER
28 THIS SECTION AT A RATE GREATER THAN A RATE NECESSARY TO PAY THE
29 INTEREST ON BONDS ISSUED UNDER THIS SECTION ON OR BEFORE JUNE 30, 1997,
30 AND TO PAY THE PRINCIPAL AS THE BONDS MATURE.

31 (f) (1) At any time after the acquisition, the Commission may transfer the land
32 so acquired in any case to any construction agency of the State of Maryland, to the
33 County, or to any incorporated municipality of Prince George's County, upon repayment
34 to the Commission of the funds so disbursed by the Commission for the land, plus
35 interest. The amount of the repayment shall be placed in the land acquisition revolving
36 fund. If the land acquired in any case is determined by the State construction agency for
37 the County or municipality not to be required for public use, the Commission may use the
38 land as a part of its park system, subject to the approval of the County Commissioners but
39 this use by the Commission for park or recreation purposes is not a dedication for these
40 purposes. If the land is determined by the Commission at any time not to be needed for
41 park purposes the Commission may dispose of it in the manner provided elsewhere in this
42 article. HOWEVER, WITHIN 10 YEARS OF THE CONVEYANCE OF THE LAND TO THE
43 COMMISSION, THE COMMISSION SHALL OFFER THE LAND FOR SALE TO THE PERSON
44 FROM WHOM THE LAND WAS ACQUIRED BY THE COMMISSION, OR THE SUCCESSOR
45 IN INTEREST OF THAT PERSON, AT A PRICE EQUAL TO THE CONSIDERATION PAID BY

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1 THE COMMISSION, ADJUSTED BY CHANGES IN THE CONSUMER PRICE INDEX SINCE
2 THE LAND WAS ACQUIRED. IF THE RIGHT TO REACQUIRE THE LAND IS NOT
3 EXERCISED WITHIN 6 MONTHS, THE COMMISSION MAY DISPOSE OF THE LAND AS
4 PROVIDED BY LAW.

5 (2) THE COMMISSION MAY TRANSFER LAND ACQUIRED UNDER THIS
6 SECTION TO A NONGOVERNMENTAL PURCHASER ONLY AFTER OFFERING THE
7 PROPERTY FOR SALE AT A PUBLIC AUCTION. THE PROCEEDS RESULTING FROM THE
8 TRANSFER SHALL BE PLACED IN THE LAND ACQUISITION REVOLVING FUND.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 1997.