
By: Montgomery County and Prince George's County Delegations

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 1997

CHAPTER _____

1 AN ACT concerning

2 **Maryland-National Capital Park and Planning Commission - ~~Statutory Structure~~**

3 **Organization and Services in Prince George's County**

4 **MC/PG 31-97**

5 FOR the purpose of ~~repealing and reenacting, without amendments, Article 28-~~
6 ~~Maryland National Capital Park and Planning Commission (MNCPPC) of the~~
7 ~~Annotated Code of Maryland; and generally relating to the MNCPPC; altering~~
8 ~~various provisions of law relating to the Maryland-National Capital Park and~~
9 ~~Planning Commission and Prince George's County; requiring a certain majority of~~
10 ~~the Prince George's County Council to restore certain budget items; authorizing the~~
11 ~~Commission to receive and expend certain contributions for financing land~~
12 ~~acquisition, development, or redevelopment under certain circumstances;~~
13 ~~authorizing the County to transfer certain title, control, maintenance, or operation~~
14 ~~of certain land to the Redevelopment Authority of the County, the Revenue~~
15 ~~Authority of the County, or other governmental entity in the County under certain~~
16 ~~circumstances; authorizing the County, by ordinance, to provide certain historic~~
17 ~~preservation, outreach and marketing, and maintenance of historic properties~~
18 ~~activities of the Commission under certain circumstances; authorizing the County,~~
19 ~~by ordinance, to provide certain revitalization and redevelopment activities of the~~
20 ~~Commission in the County and the management and marketing of certain enterprise~~
21 ~~operations; authorizing the Commission to include certain libraries, recreation~~
22 ~~centers, health services facilities, and elder care facilities in certain budget~~
23 ~~provisions for the acquisition of certain lands; authorizing the Commission to~~
24 ~~transfer certain land to the Redevelopment Authority or Revenue Authority of the~~
25 ~~County under certain circumstances; requiring the education facility master plan in~~
26 ~~the County to include certain interagency utilization of neighborhood schools under~~
27 ~~certain circumstances; requiring the Office of Legislative Audits to conduct audits~~

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1 of the Commission under certain circumstances; providing for certain constructions
 2 of this Act; requiring the Commission to review certain best practices relating to
 3 historic preservation and marketing; requiring the Commission to issue a certain
 4 report to the County by a certain date; and generally relating to the
 5 Maryland-National Capital Park and Planning Commission and Prince George's
 6 County.

7 BY repealing and reenacting, ~~without~~ with amendments,
 8 Article 28 - Maryland-National Capital Park and Planning Commission
 9 Section 2-118(a)(5), 5-102, 5-103, 5-304, and 7-106(d) and (f)
 10 Annotated Code of Maryland
 11 (1993 Replacement Volume and 1996 Supplement)

12 BY adding to
 13 Article 28 - Maryland-National Capital Park and Planning Commission
 14 Section 5-401 to be under the new subtitle "Subtitle 4. Revitalization and
 15 Redevelopment Activities"
 16 Annotated Code of Maryland
 17 (1997 Replacement Volume)

18 BY repealing and reenacting, with amendments,
 19 Article - Education
 20 Section 5-307
 21 Annotated Code of Maryland
 22 (1997 Replacement Volume)

23 BY adding to
 24 Article - State Government
 25 Section 2-1215(d)
 26 Annotated Code of Maryland
 27 (1995 Replacement Volume and 1996 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 29 MARYLAND, That ~~Article 28—Maryland National Capital Park and Planning~~
 30 ~~Commission of the Annotated Code of Maryland be repealed and reenacted, without~~
 31 ~~amendments.~~ the Laws of Maryland read as follows:

32 **Article 28 - Maryland-National Capital Park and Planning Commission**

33 2-118.

34 (a) None of the provisions of any public general law governing the preparation
 35 and filing of budgets by agencies of the State of Maryland are applicable to the budgetary
 36 procedure of the Commission. Except as hereinafter provided, the budget programs and
 37 procedures heretofore followed by the Commission are ratified and confirmed and
 38 approved for use by the Commission hereafter, together with such improvements therein
 39 as, in the discretion of the Commission, be deemed necessary or appropriate in the public
 40 interest.

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

12 5-102.

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

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

27 5-103.

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

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

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

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

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

2 OR

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

4 5-304.

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

6 (1) [The Board; and

7 (2) In Montgomery County, the Board in consultation with the Montgomery

8 County Historic Preservation Commission; AND

9 (2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, IN PRINCE GEORGE'S

10 COUNTY, THE BOARD.

11 (B) (1) IN PRINCE GEORGE'S COUNTY, THE COUNTY, BY ORDINANCE, MAY

12 PROVIDE FOR THE HISTORIC PRESERVATION, OUTREACH AND MARKETING, AND

13 MAINTENANCE OF HISTORIC PROPERTIES ACTIVITIES OF THE COMMISSION.

14 (2) AN ORDINANCE ENACTED UNDER PARAGRAPH (1) OF THIS

15 SUBSECTION MAY NOT BE INCONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.

16 SUBTITLE 4. REVITALIZATION AND REDEVELOPMENT ACTIVITIES.

17 5-401.

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

19 (1) THE REVITALIZATION AND REDEVELOPMENT ACTIVITIES OF THE

20 COMMISSION IN PRINCE GEORGE'S COUNTY, INCLUDING:

21 (I) THE ORGANIZATION OR MANAGEMENT OF ANY

22 REVITALIZATION OR REDEVELOPMENT ACTIVITIES OF THE COMMISSION; AND

23 (II) CONSOLIDATION OF COMMISSION ACTIVITIES WITH THE

24 REDEVELOPMENT AUTHORITY OF PRINCE GEORGE'S COUNTY; AND

25 (2) THE MANAGEMENT AND MARKETING OF ENTERPRISE OPERATIONS

26 BY THE COMMISSION IN PRINCE GEORGE'S COUNTY, INCLUDING CONSOLIDATION

27 OF COMMISSION ACTIVITIES WITH THE REVENUE AUTHORITY OF PRINCE GEORGE'S

28 COUNTY.

29 (B) AN ORDINANCE ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY

30 NOT IMPAIR OR ABROGATE:

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

32 ANY EMPLOYEE OF THE COMMISSION; OR

33 (2) ANY PENSION OBLIGATION OF THE COMMISSION FOR ANY

34 COMMISSION EMPLOYEE.

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1 7-106.

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

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

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

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

29 **Article - Education**

30 5-307.

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

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

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

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

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

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

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

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

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

10 **Article - State Government**

11 2-1215.

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

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

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

18 (3) THE PRINCE GEORGE'S COUNTY COUNCIL.

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

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

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

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

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

36 SECTION 2- 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October ~~July~~ 1, 1997.

