

---

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

Introduced and read first time: February 12, 1998

Assigned to: Commerce and Government Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County - MNCPPC - Capital Improvement Program**  
3 **PG/MC 18-98**

4 FOR the purpose of altering the schedule for submission of a certain capital  
5 improvements program of the Maryland-National Capital Park and Planning  
6 Commission to the County Executive and County Council of Montgomery  
7 County; altering the schedule of adoption of a certain capital improvements  
8 program by the Montgomery County Council; providing for the alteration of a  
9 certain adopted capital improvements program in Montgomery County;  
10 conforming the Commission's capital improvements program schedule  
11 applicable to Montgomery County to the comprehensive six-year capital  
12 improvements program of Montgomery County; providing for the effective date  
13 of this Act; and generally relating to capital improvements in Montgomery  
14 County.

15 BY repealing and reenacting, with amendments,  
16 Article 28 - Maryland-National Capital Park and Planning Commission  
17 Section 2-118(b)  
18 Annotated Code of Maryland  
19 (1997 Replacement Volume and 1997 Supplement)

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

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

23 2-118.

24 (b) (1) (I) [Prior to November 1 of each calendar year, the] THE  
25 Commission shall prepare and submit [to the county governing body of Prince  
26 George's County and the County Executive and County Council of Montgomery  
27 County] a six-year capital improvements program:

1 1. BEFORE NOVEMBER 1 OF EACH CALENDAR YEAR TO THE  
2 COUNTY GOVERNING BODY OF PRINCE GEORGE'S COUNTY; AND

3 2. BEFORE NOVEMBER 1 OF EACH ODD-NUMBERED  
4 CALENDAR YEAR TO THE COUNTY EXECUTIVE AND COUNTY COUNCIL OF  
5 MONTGOMERY COUNTY.

6 (II) The capital improvements program shall include a statement of  
7 the objectives of the capital programs and relationship of these programs to the  
8 county's adopted long range development plans; shall recommend capital projects and  
9 a construction schedule; and shall provide an estimate of cost and a statement of all  
10 funding sources. The capital improvements program shall include all programmed  
11 parkland acquisition, all major parkland improvement, development and major  
12 acquisition of equipment.

13 (III) In Montgomery County, the County Executive shall submit  
14 [his] recommendations with respect to the Commission's proposed program  
15 (including any suggested amendments, revisions or modifications) to the County  
16 Council as an integral part of the comprehensive six-year capital improvements  
17 program required by the charter for Montgomery County IN EACH EVEN-NUMBERED  
18 CALENDAR YEAR.

19 (2) (I) Each county governing body shall, on or before adoption of its  
20 annual budget and appropriations resolution EACH YEAR IN PRINCE GEORGE'S  
21 COUNTY AND EACH EVEN-NUMBERED CALENDAR YEAR IN MONTGOMERY COUNTY,  
22 adopt the six-year capital improvements program. Such adoption shall occur only  
23 after public hearings thereon which may be conducted in conjunction with public  
24 hearings on their own and other agencies' six-year programs or capital budgets.

25 (II) In its adoption, the county governing body may make such  
26 amendments, revisions or modifications as it may determine. Any such amendment,  
27 revision or modification shall not become final until submission to the Commission  
28 for written comment on at least 30 days' notice.

29 (III) IN MONTGOMERY COUNTY, THE COUNTY COUNCIL MAY AMEND  
30 AN APPROVED SIX-YEAR CAPITAL IMPROVEMENTS PROGRAM AT ANY TIME BY AN  
31 AFFIRMATIVE VOTE OF SIX MEMBERS.

32 (3) The capital budget of the Commission for the succeeding fiscal year  
33 shall include such projects so as to be in full conformity with that part of the capital  
34 program MOST RECENTLY adopted [for the first of the six-year program]. No such  
35 capital project may be undertaken, in whole or in part, which is not in conformity with  
36 that part of the program applicable to that year unless the same shall be amended by  
37 the county governing body on its own initiative or at the request of the Commission  
38 and after public hearing upon reasonable notice to the public.

39 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
40 July 1, 1998.