

Chapter 476

(House Bill 1481)

AN ACT concerning

Montgomery County – Maryland–National Capital Park and Planning Commission – Lease, Contract, or Agreement – Terms

PG/MC 118–10

FOR the purpose of prohibiting a certain lease, contract, or agreement entered into by the Maryland–National Capital Park and Planning Commission from including certain provisions under certain circumstances; providing that a certain prohibition applies only in Montgomery County; *making this Act an emergency measure*; and generally relating to the terms of a lease, contract, or agreement entered into by the Maryland–National Capital Park and Planning Commission.

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 5–110
Annotated Code of Maryland
(2003 Replacement Volume and 2009 Supplement)

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

Article 28 – Maryland–National Capital Park and Planning Commission

5–110.

(A) The Commission may (1) lease for a term not exceeding 40 years and renew the lease from time to time for additional terms not exceeding ten years each, to any responsible individual, partnership or corporation, any portion of the lands within the metropolitan district, acquired for park purposes under any of the provisions of this article. The Commission may not enter into any lease agreement in excess of 20 years duration without the prior approval of the provisions of the lease by legislative enactment of the county in which the lease property is located in whole or in part. Further, all such lease agreements shall contain provisions for reversion without cost to the Commission of the property and its improvements regardless of whether the improvements were added to the property by the lessee during the term of the lease or any extension of the lease; and/or (2) grant privileges, permits, and/or concessions, and/or enter into contracts relating to the same, with any responsible individual, partnership, or corporation, to engage in any business or enterprise on lands acquired for park purposes within the metropolitan district under any of the provisions of this

article; all on terms and conditions the Commission deems advantageous to the development of the park system as a part of the plan for the physical development of the metropolitan district and the plan of the Maryland–Washington Regional District within the metropolitan district. The purpose for which the property is leased, and/or the privileges, permits, and/or concessions are granted, may not be inconsistent with the use of the property for park purposes. Any lease and/or contract executed under the authority of this section shall contain a condition, stating specifically the purposes for which the property is leased, and/or the privilege, permit, or concession is granted. All agreements entered into by the Commission pursuant to this article shall contain provisions forbidding the assignment of the agreement without the consent of the Commission. This article may not be interpreted as a limitation on the Commission's authority to require in any agreement more restrictive provisions deemed by the Commission to be in the public interest. The provisions of this article may not be construed to validate any lease or agreement executed prior to July 1, 1972, which provides for an initial term beyond 20 years duration, nor to permit the renegotiation of any lease or agreement executed prior to July 1, 1972, for the purpose of extending the initial term of the lease beyond 20 years duration. This limitation does not apply to any lease with a nonprofit, service-oriented organization.

(B) (1) THIS SUBSECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(2) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A LEASE, CONTRACT, OR AGREEMENT ENTERED INTO UNDER THIS SECTION MAY NOT CONTAIN A PROVISION THAT:

(I) AUTHORIZES A PERSON OTHER THAN THE COMMISSION TO CLOSE A PARK OR PARK FACILITY; OR

(II) ~~PROHIBITS THE COMMISSION FROM OPERATING ANY OTHER PARK OR PARK FACILITY UNDER THE COMMISSION'S JURISDICTION IN ORDER TO PREVENT COMPETITION WITH THE PARK OR PARK FACILITY THAT IS THE SUBJECT OF THE LEASE, CONTRACT, OR AGREEMENT~~ GRANTS A PERSON OTHER THAN THE COMMISSION THE AUTHORITY TO CLOSE OR REQUIRE THE CLOSING OF AN EXISTING PARK OR PARK FACILITY UNDER THE JURISDICTION OF THE COMMISSION TO PREVENT COMPETITION.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 4, 2010.