

# HOUSE BILL 675

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

Introduced and read first time: February 12, 2015

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission Reform Act of 2015**

3 **MC/PG 104–15**

4 FOR the purpose of establishing that the Maryland Youth Camp Act and the regulations  
5 issued under the Act apply to programs and activities directed or operated by the  
6 Maryland–National Capital Park and Planning Commission in Prince George's  
7 County; altering a certain defined term to repeal the authority of the Commission to  
8 receive funds and determine an annual program in Prince George's County under  
9 Program Open Space; prohibiting the Commission from purchasing certain interests  
10 or rights in real property in Prince George's County for the preservation of open space  
11 without the prior approval of the Prince George's County Council acting in a certain  
12 capacity; repealing the delegation to the Commission of the authority granted to  
13 Prince George's County relating to the Patuxent River Watershed plan; requiring  
14 the Clerk of the Circuit Court for Prince George's County to charge the Commission  
15 a certain recordation fee; repealing an exemption from State requirements for public  
16 improvements for Commission projects in Prince George's County; requiring the  
17 Office of Legislative Audits in the Department of Legislative Services to conduct a  
18 certain performance audit of the Commission on request of a certain person;  
19 requiring the Department, on or before a certain date, to conduct a comprehensive  
20 evaluation of the Commission's operations and activities relating to Prince George's  
21 County and to submit a certain report to the General Assembly; requiring the  
22 Department to conduct a certain subsequent evaluation on request of a certain  
23 person; requiring the Commission during a certain evaluation to promptly provide  
24 certain information and cooperate with the Department to carry out certain  
25 requirements; authorizing the Commission to provide certain information in a  
26 format that protects the confidentiality of individuals; requiring the Department to  
27 follow procedures to maintain the confidentiality of certain information, documents,  
28 or proceedings; defining a certain term; and generally relating to the powers of the  
29 Maryland–National Capital Park and Planning Commission.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing and reenacting, with amendments,  
2 Article – Health – General  
3 Section 14–402(a)(2)  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2014 Supplement)
- 6 BY repealing and reenacting, without amendments,  
7 Article – Health – General  
8 Section 14–411  
9 Annotated Code of Maryland  
10 (2009 Replacement Volume and 2014 Supplement)
- 11 BY repealing and reenacting, without amendments,  
12 Article – Natural Resources  
13 Section 5–901(a) and 5–903(b)(1)  
14 Annotated Code of Maryland  
15 (2012 Replacement Volume and 2014 Supplement)
- 16 BY repealing and reenacting, with amendments,  
17 Article – Natural Resources  
18 Section 5–901(g), 5–1202(a), 8–1301, and 8–1304  
19 Annotated Code of Maryland  
20 (2012 Replacement Volume and 2014 Supplement)
- 21 BY repealing and reenacting, with amendments,  
22 Article – Real Property  
23 Section 3–603  
24 Annotated Code of Maryland  
25 (2010 Replacement Volume and 2014 Supplement)
- 26 BY repealing and reenacting, with amendments,  
27 Article – State Finance and Procurement  
28 Section 4–402(a)  
29 Annotated Code of Maryland  
30 (2009 Replacement Volume and 2014 Supplement)
- 31 BY repealing and reenacting, without amendments,  
32 Article – State Government  
33 Section 2–1201(a) and (b)  
34 Annotated Code of Maryland  
35 (2014 Replacement Volume)
- 36 BY adding to  
37 Article – State Government  
38 Section 2–1220(g) and 2–1250  
39 Annotated Code of Maryland  
40 (2014 Replacement Volume)

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

3 **Article – Health – General**

4 14–402.

5 (a) This subtitle and the regulations issued under this subtitle do not apply to:

6 (2) Subject to subsection (b) of this section, programs or activities directed  
7 or operated by a board of recreation, recreation department, or similar public unit of a  
8 county, a municipality, as defined by § 1–101 of the Local Government Article, or the  
9 Maryland–National Capital Park and Planning Commission **IN MONTGOMERY COUNTY**,  
10 that involve use of neighborhood facilities, including:

- 11 (i) Schools;
- 12 (ii) Playgrounds;
- 13 (iii) Parks; or
- 14 (iv) Recreation centers;

15 14–411.

16 This subtitle may be cited as the “Maryland Youth Camp Act”.

17 **Article – Natural Resources**

18 5–901.

19 (a) In this subtitle the following terms have the meanings indicated.

20 (g) “Local governing body” means [the Maryland–National Capital Park and  
21 Planning Commission and] the governing body of any county or Baltimore City **AND, IN**  
22 **MONTGOMERY COUNTY ONLY, THE MARYLAND–NATIONAL CAPITAL PARK AND**  
23 **PLANNING COMMISSION.**

24 5–903.

25 (b) (1) The General Assembly shall appropriate the remaining funds not  
26 appropriated under subsection (a) of this section to assist local governing bodies in  
27 acquisition and development of land for recreation and open space purposes, including the  
28 provision of public access to the land.

29 5–1202.

1 (a) (1) Acquisition of interests or rights in real property for preservation of  
2 open spaces and areas constitutes a public purpose for which public funds may be expended  
3 or advanced. **[Any] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ANY** county,  
4 city, the Maryland–National Capital Park and Planning Commission, and the Department  
5 may acquire, by purchase, any intervivos or testamentary gift, or lease, the fee or any lesser  
6 interest, or development right, necessary to achieve this end. **[Any] SUBJECT TO**  
7 **PARAGRAPH (2) OF THIS SUBSECTION, ANY** county, city, the Maryland–National Capital  
8 Park and Planning Commission, and the Department also may purchase or acquire by  
9 contract or gift the fee to any property for the purpose of conveying or leasing the property  
10 back to its original owner or other person under covenants or other contractual  
11 arrangements which limit future use of the property in accordance with the purposes of  
12 this section. The county or city may not acquire any fee or any lesser interest in real  
13 property for these purposes by purchase or contract requiring a monetary consideration  
14 exceeding \$500, unless the governing body of the county or city after a public hearing adopts  
15 a resolution or formal order declaring the public purpose or use. However, no owner whose  
16 property is being used for farming is subject to any condemnation or other land acquisition  
17 proceeding for the purposes of this section, by the county, city, Maryland–National Capital  
18 Park and Planning Commission, or the Department, if the owner has granted a scenic  
19 easement to the Department, Commission, or political subdivision.

20 (2) **THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING**  
21 **COMMISSION MAY NOT PURCHASE PROPERTY IN PRINCE GEORGE’S COUNTY**  
22 **UNDER THIS SECTION UNLESS THE PURCHASE IS APPROVED BY THE COUNTY**  
23 **COUNCIL ACTING AS THE DISTRICT COUNCIL UNDER DIVISION II OF THE LAND USE**  
24 **ARTICLE.**

25 8–1301.

26 (a) In this subtitle the following words have the meanings indicated.

27 (b) (1) “Duly designated agency” means any public body corporate, whether  
28 exercising local or regional authority, in any of the counties listed in § 8–1303 of this  
29 subtitle, which shall be officially designated by either or any of the counties which executes  
30 the programs and purposes of this subtitle within any of the counties.

31 (2) However, in Montgomery [and Prince George’s counties] **COUNTY**, the  
32 Maryland–National Capital Park and Planning Commission is the duly designated agency  
33 of [these counties] **THE COUNTY** to carry out the provisions of this subtitle.

34 (c) “Watershed” means the Patuxent River Watershed.

35 8–1304.

36 (a) The Maryland–National Capital Park and Planning Commission shall have  
37 and exercise the authority granted by the provisions of this subtitle to the [appropriate

1 county] governing body **OF MONTGOMERY COUNTY** or its duly designated agency to the  
2 extent it pertains to:

3 (1) Adopting the Watershed plan;

4 (2) Acquisition, improvement, maintenance and operation of lands and  
5 other property for the purposes stated in this subtitle; and

6 (3) Adopting regulations affecting the lands and property and leasing,  
7 contracting, and permit authority granted under this subtitle.

8 (b) This power and authority is in addition to that which is stated in Division II  
9 of the Land Use Article.

### 10 **Article – Real Property**

11 3–603.

12 (A) [The] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**  
13 clerk may not charge any county, any municipality, the Maryland–National Capital Park  
14 and Planning Commission, or the Washington Suburban Sanitary Commission any fee  
15 provided by this subtitle unless the county, municipality, or respective commission first  
16 gives its consent. No charge may be made against the Comptroller for any service performed  
17 in connection with the recording and indexing of property liens arising under the Maryland  
18 income tax or the Maryland sales and use tax laws.

19 (B) **THE CLERK SHALL CHARGE THE MARYLAND–NATIONAL CAPITAL PARK**  
20 **AND PLANNING COMMISSION ANY FEE PROVIDED BY THIS SUBTITLE FOR THE**  
21 **RECORDATION OF AN INSTRUMENT IN PRINCE GEORGE’S COUNTY.**

### 22 **Article – State Finance and Procurement**

23 4–402.

24 (a) Except as provided in § 4–409 of this subtitle, this subtitle does not apply to  
25 any public improvement made by:

26 (1) the Department of Transportation or a unit in that Department;

27 (2) any housing authority created under Division II of the Housing and  
28 Community Development Article;

29 (3) the Maryland–National Capital Park and Planning Commission **IN**  
30 **MONTGOMERY COUNTY;**

31 (4) the Washington Suburban Sanitary Commission;

- 1 (5) the Baltimore County Metropolitan District;
- 2 (6) a county, municipal corporation, or unit of a county or municipal  
3 corporation;
- 4 (7) the University System of Maryland;
- 5 (8) Morgan State University; or
- 6 (9) St. Mary's College of Maryland.

7 **Article – State Government**

8 2–1201.

- 9 (a) In this subtitle the following words have the meanings indicated.
- 10 (b) “Department” means the Department of Legislative Services.

11 2–1220.

12 **(G) (1) THE OFFICE OF LEGISLATIVE AUDITS SHALL CONDUCT A**  
13 **PERFORMANCE AUDIT OF THE MARYLAND–NATIONAL CAPITAL PARK AND**  
14 **PLANNING COMMISSION TO EVALUATE THE EFFECTIVENESS AND EFFICIENCY OF**  
15 **THE MANAGEMENT PRACTICES OF THE COMMISSION RELATING TO PRINCE**  
16 **GEORGE’S COUNTY ON REQUEST OF:**

17 **(I) THE JOINT AUDIT COMMITTEE;**

18 **(II) THE PRINCE GEORGE’S COUNTY DELEGATION TO THE**  
19 **GENERAL ASSEMBLY;**

20 **(III) THE PRINCE GEORGE’S COUNTY EXECUTIVE; OR**

21 **(IV) THE PRINCE GEORGE’S COUNTY COUNCIL.**

22 **(2) FOR EACH PROJECT PROPOSED IN PRINCE GEORGE’S COUNTY,**  
23 **AN AUDIT CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL**  
24 **INCLUDE A REVIEW OF THE PERIOD OF TIME FROM PROJECT PROPOSAL TO**  
25 **COMPLETION AND ANY COST OVERRUNS.**

26 2–1250.

1           (A) IN THIS SECTION, "COMMISSION" MEANS THE MARYLAND-NATIONAL  
2 CAPITAL PARK AND PLANNING COMMISSION.

3           (B) ON OR BEFORE DECEMBER 1, 2016, THE DEPARTMENT SHALL:

4                   (1) CONDUCT A COMPREHENSIVE EVALUATION OF THE  
5 COMMISSION'S OPERATIONS AND ACTIVITIES RELATING TO PRINCE GEORGE'S  
6 COUNTY; AND

7                   (2) SUBJECT TO § 2-1246 OF THIS SUBTITLE, SUBMIT TO THE  
8 GENERAL ASSEMBLY A REPORT REGARDING THE COMMISSION'S OPERATIONS AND  
9 ACTIVITIES RELATING TO PRINCE GEORGE'S COUNTY THAT ADDRESSES:

10                           (I) THE PURPOSE FOR WHICH THE COMMISSION WAS  
11 ESTABLISHED;

12                           (II) WHETHER THE COMMISSION OPERATES EFFICIENTLY AND  
13 EFFECTIVELY TO CARRY OUT ITS PURPOSE;

14                           (III) WHETHER ANY CONDITIONS HAVE CHANGED SINCE THE  
15 COMMISSION WAS ESTABLISHED THAT SUGGEST A NEED TO ALTER THE  
16 COMMISSION'S OPERATIONS OR ACTIVITIES;

17                           (IV) WHETHER THE PUBLIC HEALTH, SAFETY, OR WELFARE  
18 WOULD BE AFFECTED SIGNIFICANTLY IF THE COMMISSION DID NOT EXIST;

19                           (V) THE SOURCES OF THE COMMISSION'S FUNDS;

20                           (VI) WHETHER THE BUDGET AND STAFF RESOURCES OF THE  
21 COMMISSION MEET OR EXCEED THE RESOURCES NECESSARY TO CARRY OUT THE  
22 COMMISSION'S LEGISLATIVE OBJECTIVES;

23                           (VII) WHETHER THE COMMISSION OPERATES IN AN OPEN AND  
24 ACCOUNTABLE MANNER THAT INCLUDES PUBLIC ACCESS TO RECORDS AND  
25 MEETINGS, SAFEGUARDS AGAINST CONFLICTS OF INTEREST, AND ENCOURAGES  
26 PUBLIC PARTICIPATION;

27                           (VIII) ANY PROBLEMS THE DEPARTMENT IDENTIFIES REGARDING  
28 IMPLEMENTATION OF THE COMMISSION'S MANDATE OR STATUTORY  
29 REQUIREMENTS;

1                   **(IX) ANY RECOMMENDATIONS FOR STATUTORY OR**  
2 **NONSTATUTORY CHANGES TO IMPROVE THE OPERATIONS OR ACTIVITIES OF THE**  
3 **COMMISSION; AND**

4                   **(X) ANY OTHER INFORMATION THE DEPARTMENT CONSIDERS**  
5 **APPROPRIATE.**

6           **(C) AFTER THE EVALUATION AND REPORT REQUIRED UNDER SUBSECTION**  
7 **(B) OF THIS SECTION, THE DEPARTMENT SHALL CONDUCT A PARTIAL OR**  
8 **COMPREHENSIVE EVALUATION OF THE COMMISSION'S OPERATIONS AND**  
9 **ACTIVITIES RELATING TO PRINCE GEORGE'S COUNTY ON REQUEST OF:**

10                   **(1) THE PRINCE GEORGE'S COUNTY DELEGATION TO THE GENERAL**  
11 **ASSEMBLY;**

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

13                   **(3) THE PRINCE GEORGE'S COUNTY COUNCIL.**

14           **(D) (1) DURING AN EVALUATION REQUIRED UNDER THIS SECTION, THE**  
15 **COMMISSION SHALL:**

16                   **(I) PROMPTLY PROVIDE ANY INFORMATION THE DEPARTMENT**  
17 **REQUESTS; AND**

18                   **(II) OTHERWISE COOPERATE WITH THE DEPARTMENT TO**  
19 **CARRY OUT THIS SECTION.**

20                   **(2) THE COMMISSION MAY PROVIDE INFORMATION REQUESTED**  
21 **UNDER PARAGRAPH (1) OF THIS SUBSECTION IN A FORMAT THAT PROTECTS THE**  
22 **CONFIDENTIALITY OF INDIVIDUALS AS NECESSARY.**

23                   **(3) THE DEPARTMENT SHALL FOLLOW PROCEDURES TO MAINTAIN**  
24 **THE CONFIDENTIALITY OF ANY INFORMATION, DOCUMENTS, OR PROCEEDINGS**  
25 **OBTAINED OR OBSERVED IN THE COURSE OF CARRYING OUT THE REQUIREMENTS**  
26 **OF THIS SECTION.**

27           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2015.