

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Carter

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

A BILL ENTITLED

1 AN ACT concerning

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

4 **PG/MC 118–10**

5 FOR the purpose of prohibiting a certain lease, contract, or agreement entered into by
6 the Maryland–National Capital Park and Planning Commission from including
7 certain provisions under certain circumstances; providing that a certain
8 prohibition applies only in Montgomery County; and generally relating to the
9 terms of a lease, contract, or agreement entered into by the Maryland–National
10 Capital Park and Planning Commission.

11 BY repealing and reenacting, with amendments,
12 Article 28 – Maryland–National Capital Park and Planning Commission
13 Section 5–110
14 Annotated Code of Maryland
15 (2003 Replacement Volume and 2009 Supplement)

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

18 **Article 28 – Maryland–National Capital Park and Planning Commission**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5–110.

2 (A) The Commission may (1) lease for a term not exceeding 40 years and
3 renew the lease from time to time for additional terms not exceeding ten years each, to
4 any responsible individual, partnership or corporation, any portion of the lands within
5 the metropolitan district, acquired for park purposes under any of the provisions of
6 this article. The Commission may not enter into any lease agreement in excess of 20
7 years duration without the prior approval of the provisions of the lease by legislative
8 enactment of the county in which the lease property is located in whole or in part.
9 Further, all such lease agreements shall contain provisions for reversion without cost
10 to the Commission of the property and its improvements regardless of whether the
11 improvements were added to the property by the lessee during the term of the lease or
12 any extension of the lease; and/or (2) grant privileges, permits, and/or concessions,
13 and/or enter into contracts relating to the same, with any responsible individual,
14 partnership, or corporation, to engage in any business or enterprise on lands acquired
15 for park purposes within the metropolitan district under any of the provisions of this
16 article; all on terms and conditions the Commission deems advantageous to the
17 development of the park system as a part of the plan for the physical development of
18 the metropolitan district and the plan of the Maryland–Washington Regional District
19 within the metropolitan district. The purpose for which the property is leased, and/or
20 the privileges, permits, and/or concessions are granted, may not be inconsistent with
21 the use of the property for park purposes. Any lease and/or contract executed under
22 the authority of this section shall contain a condition, stating specifically the purposes
23 for which the property is leased, and/or the privilege, permit, or concession is granted.
24 All agreements entered into by the Commission pursuant to this article shall contain
25 provisions forbidding the assignment of the agreement without the consent of the
26 Commission. This article may not be interpreted as a limitation on the Commission’s
27 authority to require in any agreement more restrictive provisions deemed by the
28 Commission to be in the public interest. The provisions of this article may not be
29 construed to validate any lease or agreement executed prior to July 1, 1972, which
30 provides for an initial term beyond 20 years duration, nor to permit the renegotiation
31 of any lease or agreement executed prior to July 1, 1972, for the purpose of extending
32 the initial term of the lease beyond 20 years duration. This limitation does not apply to
33 any lease with a nonprofit, service–oriented organization.

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

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

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

6 **(II) PROHIBITS THE COMMISSION FROM OPERATING ANY**
7 **OTHER PARK OR PARK FACILITY UNDER THE COMMISSION'S JURISDICTION IN**
8 **ORDER TO PREVENT COMPETITION WITH THE PARK OR PARK FACILITY THAT IS**
9 **THE SUBJECT OF THE LEASE, CONTRACT, OR AGREEMENT.**

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