

HOUSE BILL 610

L5, E4, L2

11r0494

By: **Montgomery County Delegation and Prince George's County Delegation**
Introduced and read first time: February 9, 2011
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland–National Capital Park and Planning Commission – Montgomery**
3 **County – County Police Authority, Metropolitan District Tax, and Transfer of**
4 **Property**

5 **MC/PG 112–11**

6 FOR the purpose of providing that the Montgomery County police have certain
7 additional concurrent authority with the Maryland–National Capital Park
8 Police to enforce park regulations within the parks, buildings, and other areas
9 under the jurisdiction of the Maryland–National Capital Park and Planning
10 Commission; authorizing Montgomery County to levy a certain tax against real
11 and personal property in the metropolitan district within Montgomery County;
12 repealing a certain requirement that the Commission levy a certain tax against
13 property in the metropolitan district within Montgomery County at certain tax
14 rates; altering the method for determining the purposes for which proceeds of a
15 certain tax may be used; requiring the Commission to provide to Montgomery
16 County and Prince George's County a list of certain property and assets
17 primarily used by the Maryland–National Capital Park Police under certain
18 circumstances; requiring the list to specify which property and assets are used
19 primarily by the Montgomery County Division, Prince George's County
20 Division, or jointly used by both Divisions; providing for the transfer of certain
21 property and assets from the Commission to the Montgomery County Police
22 Department, on request of the Montgomery County Council, including certain
23 property or assets determined by the county councils of Montgomery County
24 and Prince George's County as property and assets that should be transferred to
25 the Montgomery County Police Department; and generally relating to the
26 Maryland–National Capital Park and Planning Commission, Montgomery
27 County police authority, and the Metropolitan District Tax.

28 BY repealing and reenacting, with amendments,
29 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 Section 5–114(a) and 6–106(a)
2 Annotated Code of Maryland
3 (2010 Replacement Volume)

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

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

7 5–114.

8 (a) (1) The Commission may appoint whatever park police officers as may
9 be necessary to provide protection for the Commission’s activities and property. In
10 connection with the responsibility to provide that protection, it is the responsibility of
11 the park police to prevent crime, apprehend criminals, enforce the criminal and motor
12 vehicle laws of the State, enforce park regulations and perform whatever other related
13 duties as are imposed by the Commission. They have concurrent general police
14 jurisdiction with the Montgomery and Prince George’s County police within the parks
15 and other areas and within buildings under the jurisdiction of the Commission, and
16 that portion of all roads and sidewalks immediately adjacent to any property under
17 the jurisdiction of the Commission. They possess all the powers and authority vested
18 by existing law in the Montgomery and Prince George’s County police; but they are
19 responsible to and under the supervision of the Commission and shall exercise
20 supervisory jurisdiction over the park system. They shall have whatever jurisdiction
21 off park property that may be provided by any reciprocal agreement entered into
22 pursuant to § 2–105 of the Criminal Procedure Article. The reciprocal agreement shall
23 specify the circumstances under which a park police officer may make arrests off of
24 park property. The agreement may allow such arrests in emergency or nonemergency
25 situations, notwithstanding § 2–105 of the Criminal Procedure Article. The
26 Montgomery and Prince George’s County police have the same general police
27 jurisdiction and responsibility for the apprehension of criminals and detection of crime
28 within the parks and other areas and buildings under the Commission’s jurisdiction as
29 they have elsewhere in their respective counties.

30 (2) **IN MONTGOMERY COUNTY, THE MONTGOMERY COUNTY**
31 **POLICE HAVE CONCURRENT AUTHORITY WITH THE PARK POLICE TO ENFORCE**
32 **PARK REGULATIONS WITHIN THE PARKS, BUILDINGS, AND OTHER AREAS UNDER**
33 **THE JURISDICTION OF THE COMMISSION.**

34 6–106.

35 (a) (1) Montgomery County [shall] **MAY** levy against all of the **REAL AND**
36 **PERSONAL** property within that portion of the metropolitan district within
37 Montgomery County assessed for the purposes of county taxation [annually a tax of
38 3.6 cents on each \$100 of assessed valuation of real property and 9 cents on each \$100
39 of assessed valuation of personal property and operating real property described in §
40 8–109(c) of the Tax – Property Article]. The tax [shall] **MAY** be levied notwithstanding

1 the fact that no interest may be due on any bonds and/or notwithstanding the fact that
2 no bonds have been issued under this title. Every 60 days the tax so levied and
3 collected to date by the county shall be remitted to the Commission. The proceeds of
4 the tax, after providing for debt service on bonds issued pursuant to §§ 6–101 and
5 6–105 of this title may be used by the Commission for policing the several parks or
6 other areas under its jurisdiction and/or for the purpose of acquisition, development,
7 beautification, or maintenance of parks and/or other areas and/or the establishment
8 therein of playground and recreational facilities as [the Commission determines]
9 **APPROVED IN THE COMMISSION’S BUDGET AS PROVIDED IN § 2–118 OF THIS**
10 **ARTICLE.**

11 **(2)** In addition to the [foregoing mandatory] tax **AUTHORIZED IN**
12 **PARAGRAPH (1) OF THIS SUBSECTION**, Montgomery County may levy against all
13 property within that portion of the metropolitan district within Montgomery County
14 assessed for the purposes of county taxation annually a tax of 0.8 cents on each \$100 of
15 assessed valuation of real property and 2 cents on each \$100 of assessed valuation of
16 personal property and operating real property described in § 8–109(c) of the
17 Tax – Property Article; this additional tax shall be in lieu of, and in complete
18 satisfaction of, any and all obligations of the county to pay for any part of the
19 maintenance of the Commission’s park system pursuant to § 8 of Chapter 761 of the
20 Laws of Maryland, 1953, and all agreements executed pursuant to the terms of that
21 law.

22 **SECTION 2. AND BE IT FURTHER ENACTED, That:**

23 (a) On request of the Montgomery County Council or the Prince George’s
24 County Council, the Maryland–National Capital Park and Planning Commission shall
25 provide to both counties a list of real and personal property and other assets that are
26 used primarily by the Maryland–National Capital Park Police, specifying which
27 property and assets are used primarily or solely by the Montgomery County Division,
28 which property and assets are used primarily or solely by the Prince George’s County
29 Division, and which property and assets are used jointly by both the Montgomery
30 County Division and the Prince George’s County Division.

31 (b) On request of the Montgomery County Council, the Commission shall
32 transfer to the Montgomery County Police Department:

33 (1) any property or assets that are used primarily or solely by the
34 Montgomery County Division of the Maryland–National Capital Park Police; and

35 (2) any property or assets used jointly by both the Montgomery
36 County Division and the Prince George’s County Division that the county councils of
37 Montgomery County and Prince George’s County, in consultation with the
38 Commission, determine should be transferred to the Montgomery County Police
39 Department.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2011.