

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2003 Legislative Session

Bill No. CB-32-2003
 Chapter No. 16
 Proposed and Presented by Chairman Shapiro
 Introduced by Council Members Shapiro, Hendershot, Dean, Exum, Knotts, Harrington
 Co-Sponsors _____
 Date of Introduction May 22, 2003

BILL

1 AN ACT concerning

2 Maryland-National Capital Park and Planning Commission

3 For the purpose of approving the Prince George's County portion of the Maryland-National
 4 Capital Park and Planning Commission budget and making appropriations and levying certain
 5 taxes for Fiscal Year 2003-2004 for the Maryland-National Capital Park and Planning
 6 Commission, pursuant to the provisions of Article 28 of the Annotated Code of Maryland, as
 7 amended ("Article 28").

8 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 9 Maryland, that in accordance with Section 2-118 of Article 28, the annual budget transmitted to
 10 the County Council by the Maryland-National Capital Park and Planning Commission on
 11 January 15, 2003 is approved insofar as it applies to Prince George's County; subject, however,
 12 to the additions, deletions, increases or decreases thereto which are contained in Appendix A to
 13 this enactment and incorporated herein by reference; that the revenues to be derived from the
 14 rates hereinafter established are hereby appropriated and authorized to be disbursed for the
 15 purposes specified by the provisions of Article 28, as amended, and for the support and
 16 maintenance of the purposes as expressed in the budget.

17 SECTION 2. ADMINISTRATION TAX. Pursuant to Section 6-107 of Article 28, there is
 18 hereby imposed and levied for the Fiscal Year 2003-2004 a tax of four and sixty-six hundredths
 19 cents (\$0.0466) upon each one hundred dollars (\$100.00) of assessed valuation of real property
 20 and eleven and sixty-five hundredths cents (\$0.1165) upon each one hundred dollars (\$100.00)
 21 of assessed valuation of personal property and operating real property described in Section 8-109

1 of the Tax-Property Article for property located in that portion of the Maryland-Washington
2 Regional District lying within Prince George's County. The proceeds of the collection of such
3 tax shall be paid to the Maryland-National Capital Park and Planning Commission and shall
4 constitute the Administration Fund of said Commission. Of the proceeds collected, \$600,000
5 shall be allocated as a grant to the County Council for the reimbursement of the planning and
6 zoning functions of the Legislative Branch, as described in the Regional District Act.

7 SECTION 3. ADVANCE LAND ACQUISITION FUND. Pursuant to the provisions of
8 Section 7-106(e) of Article 28, there is hereby imposed and levied for the Fiscal Year 2003-2004
9 a tax of thirteen hundredths cents (\$0.0013) upon each one hundred dollars (\$100.00) of assessed
10 valuation of real property and thirty-two hundredths cents (\$0.0032) upon each one hundred
11 dollars (\$100.00) of assessed valuation of personal property and operating real property
12 described in Section 8-109 of the Tax-Property Article, assessable according to the laws of
13 Maryland and subject to taxation in Prince George's County, to be utilized for advance land
14 acquisition in Prince George's County, in accordance with the terms and conditions of the above-
15 cited statute, as amended. The proceeds from the collection of said tax shall be paid to the
16 Maryland-National Capital Park and Planning Commission for the purpose of debt service on the
17 principal and interest on bonds issued for the Commission's land acquisition revolving fund, and
18 any excess shall be paid into said fund.

19 SECTION 4. METROPOLITAN DISTRICT TAX - MANDATORY. Pursuant to the
20 provisions of Section 6-106(c) of Article 28, there is hereby imposed and levied for the Fiscal
21 Year 2003-2004 a tax of four cents (\$0.04) upon each one hundred dollars (\$100.00) of assessed
22 valuation of real property and ten cents (\$0.10) upon each one hundred dollars (\$100.00) of
23 assessed valuation of personal property and operating real property described in Section 8-109 of
24 the Tax-Property Article subject to assessment and taxation by Prince George's County which is
25 located in that portion of the Maryland-Washington Metropolitan District of Prince George's
26 County. The proceeds of the collection of such tax shall be paid to the Maryland-National
27 Capital Park and Planning Commission and shall be applied to the purposes set forth in Section
28 6-106(c) of Article 28.

29 SECTION 5. METROPOLITAN DISTRICT TAX - DISCRETIONARY. Pursuant to
30 Section 6-106(d) of Article 28, there is hereby imposed and levied for the Fiscal Year 2003-2004
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1 a tax of thirteen and seventy hundredths cents (\$.1370) upon each one hundred dollars
2 (\$100.00) of assessed valuation of real property and thirty-four and twenty-five hundredths cents
3 (\$.3425) upon each one hundred dollars (\$100.00) of assessed valuation of personal property
4 and operating real property described in Section 8-109 of the Tax-Property Article subject to
5 assessment and taxation by Prince George's County which is located in that portion of the
6 Maryland-Washington Metropolitan District within Prince George's County. The proceeds of
7 the collection of such tax shall be paid to the Maryland-National Capital Park and Planning
8 Commission and shall be applied to the purposes set forth in Section 6-106(d) of Article 28.

9 SECTION 6. RECREATION TAX. Pursuant to Section 6-106(e) of Article 28, there is
10 hereby imposed and levied for the Fiscal Year 2003-2004 a tax to support recreational activities
11 in the amount of five and forty-one hundredths cents (\$.0541) upon each one hundred dollars
12 (\$100.00) of assessed valuation of real property and thirteen and fifty-three hundredths cents
13 (\$.1353) upon each one hundred dollars (\$100.00) of assessed valuation of personal property
14 and operating real property described in Section 8-109 of the Tax-Property Article subject to
15 assessment and taxation by Prince George's County. The proceeds of such tax shall be remitted
16 to the Maryland-National Capital Park and Planning Commission, and shall be applied to the
17 purposes set forth in Section 6-106(e) of Article 28.

18 SECTION 7. The County Council of Prince George's County hereby adopts the schedules
19 of "Revenues as to Source" as set forth in Appendix A to this enactment and incorporates said
20 Appendix herein by this reference.

21 SECTION 8. GRANT AND SPECIAL FUNDING. All grants and Land Reclamation
22 revenue received by the Maryland-National Capital Park and Planning Commission shall be
23 considered as additions to, and automatic amendments of, the Commission's Operating and CIP
24 Budgets and work programs, provided that the Commission shall have advised the County
25 Council of such revenue at the time the revenue was being sought, whether by grant application
26 or by other applicable special funding application procedures. This section does not, in any way,
27 affect the process for legislative appropriation of tax revenue to the Commission.

28 SECTION 9. PARK ACQUISITION AND DEVELOPMENT. The Prince George's
29 County portion of the Maryland-National Capital Park and Planning Commission Fiscal Year
30 2003-2004 Capital Budget is hereby adopted and shall consist of all previously approved park
31 acquisition and development projects (as revised) with appropriations in the budget year of the

1 Maryland-National Capital Park and Planning Commission Fiscal Years 2004-2009 Capital
2 Improvement Program as such projects are included in the adopted Prince George's County
3 Fiscal Years 2004-2009 Capital Improvement Program and the new projects listed in Appendix
4 B, which is attached hereto and incorporated herein.

5 SECTION 10. GUARANTEE OF PRINCIPAL AND INTEREST ON BONDS. Pursuant
6 to the provisions of Section 6-101(d) of Article 28, as amended, the payment of the principal of
7 and interest on any and all bonds sold by the Maryland-National Capital Park and Planning
8 Commission, the proceeds of which are to be used to finance any of the projects adopted by
9 Section 9, are hereby guaranteed by the County as provided in Article 28. The guarantee shall be
10 in the form described by Section 6-101(d), Article 28, and shall be endorsed on the bonds on
11 behalf of the County by the manual or facsimile signature of the County Executive. The full
12 faith and credit of the County is hereby irrevocably pledged to the fulfillment of the guarantee of
13 the payment of interest when due and the principal on maturity and taxes will be levied in
14 accordance with Sections 6-102 and 6-106 of Article 28, as necessary. The County Executive
15 and the Clerk of the Council are hereby authorized to take all necessary actions to adopt and
16 record their facsimile signatures and to execute all documents required for the sale of the bonds.

17 SECTION 11. RESTRICTED CONTINGENCY RESERVE. The County Council of
18 Prince George's County in adopting this Fiscal Year 2003-2004 budget has included \$13,612,823
19 in the Park Fund as restricted contingency reserve. This reserve is set aside to offset future tax
20 rate increases and is to be utilized for the exclusive purpose of funding the debt service and
21 operation and maintenance costs associated with approved capital projects in the Park Fund. No
22 portion of this reserve is to be utilized or expended in Fiscal Year 2004 without the prior express
23 approval of the Prince George's County Council.

24 SECTION 12. SEVERABILITY. If the application of this Act or any section, subsection,
25 sentence, clause, phrase, or portion thereof, as it applies in any circumstances, case or instance to
26 any person, firm, or corporation, is for any reason found or held to be invalid or unconstitutional
27 by any Court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or
28 portion and application thereof to such circumstances, case or instance as to any person, firm or
29 corporation, shall be deemed a separate, distinct, and independent act, finding, or holding, and
30 such act, finding or holding shall not affect the validity and application of the remaining portions
31 thereof or the particular portion as it affects other persons, firms or corporations.

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SECTION 13. EFFECTIVE DATE. This Act shall take effect July 1, 2003.
Adopted this 22nd day of May, 2003.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

VETOED:

DATE: June 2, 2003

BY: _____
Jack B. Johnson
County Executive

Note: Attachments available in hard copy only

Veto overridden by an affirmative vote of two thirds of the Members of the full County Council on June 3, 2003.

BY: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council