

HOUSE BILL 614

L5

11r0676
CF SB 901

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

Introduced and read first time: February 9, 2011

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2011

CHAPTER _____

1 AN ACT concerning

2 ~~Maryland National Capital Park and Planning Commission Prince~~
3 ~~George's County Site Plan Approval Authority~~
4 Prince George's County - Maryland National Capital Park and Planning
5 Commission - Site Plan Approval Authority and Public Ethics Requirements

6 MC/PG 114-11

7 ~~FOR the purpose of prohibiting the County Council for Prince George's County, sitting~~
8 ~~as the district council, from reviewing decisions by the Prince George's County~~
9 ~~Planning Board to approve or disapprove certain site plans except under certain~~
10 ~~circumstances; authorizing a party of record to appeal certain decisions by the~~
11 ~~Planning Board to the district council; prohibiting the district council from~~
12 ~~revoking certain delegations of approval authority made to the Planning Board~~
13 ~~by a certain date; authorizing the district council to revoke certain delegations~~
14 ~~of approval authority for the purpose of delegating that authority to the~~
15 ~~governing bodies of certain municipal corporations; and generally relating to~~
16 ~~site plan approval in Prince George's County.~~

17 FOR the purpose of authorizing the County Council for Prince George's County, sitting
18 as a District Council, to review a final decision of the Prince George's Planning
19 Board on a detailed site plan; requiring the District Council to decide whether
20 to review a final decision of the Planning Board within a certain number of days
21 after the final decision is issued; requiring the District Council to hold a review
22 hearing within a certain number of days after it issues a decision to conduct a
23 certain review; authorizing a party of record to appeal to the District Council a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 final decision by the Planning Board relating to a detailed site plan; authorizing
 2 the District Council to revoke a delegation of site plan approval authority to the
 3 Planning Board for the purpose of delegating approval authority over detailed
 4 site plans to the governing body of a municipal corporation in the
 5 Maryland–Washington Regional District; specifying that certain conflict of
 6 interest provisions required to be enacted by Prince George’s County shall
 7 contain certain prohibitions against issuing credit cards to certain individuals
 8 and soliciting a person to enter into a business relationship with or provide
 9 anything of value to certain persons for certain purposes; prohibiting certain
 10 conflict of interest provisions from being construed in a certain manner;
 11 requiring certain lobbying provisions to prohibit a person from being engaged
 12 for lobbying purposes for compensation that is contingent on the outcome of a
 13 certain action; requiring certain Prince George’s County ethics enactments to
 14 provide for the establishment of a Board of Ethics composed of a certain number
 15 of members and having an executive director with certain duties and authority;
 16 and generally relating to the review of site plans for development projects in
 17 Prince George’s County and the expansion of public ethics laws required to be
 18 enacted by Prince George’s County.

19 BY adding to

20 Article 28 – Maryland–National Capital Park and Planning Commission
 21 Section 8–129
 22 Annotated Code of Maryland
 23 (2010 Replacement Volume)

24 BY repealing and reenacting, with amendments,

25 Article – State Government
 26 Section 15–807(d)
 27 Annotated Code of Maryland
 28 (2009 Replacement Volume and 2010 Supplement)

29 BY repealing and reenacting, without amendments,

30 Article – State Government
 31 Section 15–808
 32 Annotated Code of Maryland
 33 (2009 Replacement Volume and 2010 Supplement)

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

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

37 ~~8–129.~~

38 ~~(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
 39 ~~SUBSECTION, THE COUNTY COUNCIL FOR PRINCE GEORGE’S COUNTY, SITTING~~
 40 ~~AS A DISTRICT COUNCIL, MAY NOT REVIEW A FINAL DECISION OF THE PRINCE~~

~~1 GEORGE'S COUNTY PLANNING BOARD TO APPROVE OR DISAPPROVE A SITE
2 PLAN.~~

~~3 (2) A PARTY OF RECORD MAY APPEAL TO THE DISTRICT COUNCIL
4 A FINAL DECISION BY THE PLANNING BOARD TO APPROVE OR DISAPPROVE A
5 SITE PLAN.~~

~~6 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
7 SUBSECTION, THE COUNTY COUNCIL FOR PRINCE GEORGE'S COUNTY, SITTING
8 AS A DISTRICT COUNCIL, MAY NOT REVOKE A DELEGATION OF AUTHORITY OVER
9 SITE PLAN APPROVAL MADE TO THE PRINCE GEORGE'S COUNTY PLANNING
10 BOARD ON OR BEFORE JANUARY 1, 2011.~~

~~11 (2) THE DISTRICT COUNCIL MAY REVOKE A DELEGATION OF SITE
12 PLAN APPROVAL AUTHORITY TO THE PLANNING BOARD ONLY FOR THE
13 PURPOSE OF DELEGATING APPROVAL AUTHORITY OVER DETAILED SITE PLANS
14 TO THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN THE
15 MARYLAND WASHINGTON REGIONAL DISTRICT UNDER § 8-112.4(B)(1)(IX) OF
16 THIS TITLE.~~

~~17 8-129.~~

~~18 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
19 COUNTY COUNCIL FOR PRINCE GEORGE'S COUNTY, SITTING AS A DISTRICT
20 COUNCIL, MAY REVIEW A FINAL DECISION OF THE PRINCE GEORGE'S COUNTY
21 PLANNING BOARD ON A DETAILED SITE PLAN.~~

~~22 (2) (I) THE DISTRICT COUNCIL SHALL DECIDE WHETHER TO
23 REVIEW THE FINAL APPROVAL OR DISAPPROVAL OF A DETAILED SITE PLAN
24 UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 30 DAYS AFTER THE DATE
25 THE FINAL APPROVAL OR DISAPPROVAL WAS ISSUED.~~

~~26 (II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2
27 OF THIS SUBPARAGRAPH, IF THE DISTRICT COUNCIL DECIDES TO REVIEW AN
28 APPROVAL OR A DISAPPROVAL UNDER THIS PARAGRAPH, THE DISTRICT
29 COUNCIL SHALL HOLD A REVIEW HEARING WITHIN 70 DAYS AFTER THE DATE
30 THE DISTRICT COUNCIL ISSUES THE DECISION TO CONDUCT A REVIEW.~~

~~31 2. THE TIME FOR HOLDING A REVIEW HEARING
32 UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH MAY BE EXTENDED FOR
33 UP TO 45 ADDITIONAL DAYS AT THE DECISION OF THE DISTRICT COUNCIL OR
34 ON REQUEST OF THE APPLICANT.~~

1 (III) THE DISTRICT COUNCIL SHALL ISSUE A FINAL
 2 DECISION WITHIN 60 DAYS AFTER THE DATE OF THE REVIEW HEARING.

3 (3) A PARTY OF RECORD MAY APPEAL TO THE DISTRICT COUNCIL
 4 A FINAL DECISION BY THE PLANNING BOARD TO APPROVE OR DISAPPROVE A
 5 DETAILED SITE PLAN.

6 (B) THE DISTRICT COUNCIL MAY REVOKE A DELEGATION OF SITE PLAN
 7 APPROVAL AUTHORITY TO THE PLANNING BOARD FOR THE PURPOSE OF
 8 DELEGATING APPROVAL AUTHORITY OVER DETAILED SITE PLANS TO THE
 9 GOVERNING BODY OF A MUNICIPAL CORPORATION IN THE
 10 MARYLAND-WASHINGTON REGIONAL DISTRICT UNDER § 8-112.4(B)(1)(IX) OF
 11 THIS TITLE.

12 Article – State Government

13 15-807.

14 (d) (1) [In] THIS SUBSECTION APPLIES TO Prince George’s County[,
 15 “local].

16 (2) IN THIS SUBSECTION, “LOCAL official” includes:

17 [(1)] (I) each member of the Board of License Commissioners;

18 [(2)] (II) the chief inspector and any other inspector of the Board of
 19 License Commissioners;

20 [(3)] (III) the administrator of the Board of License Commissioners;
 21 and

22 [(4)] (IV) the attorney to the Board of License Commissioners.

23 (3) THE CONFLICT OF INTEREST PROVISIONS REQUIRED UNDER §
 24 15-803(A)(1) OF THIS SUBTITLE:

25 (I) SHALL PROHIBIT THE COUNTY GOVERNMENT FROM
 26 ISSUING A CREDIT CARD TO AN ELECTED COUNTY OFFICIAL OR A MEMBER OF
 27 THE COUNTY SCHOOL BOARD; AND

28 (II) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION,
 29 SHALL PROHIBIT AN ELECTED COUNTY OFFICIAL FROM DIRECTLY OR
 30 INDIRECTLY SOLICITING A PERSON TO ENTER INTO A BUSINESS RELATIONSHIP
 31 WITH OR PROVIDE ANYTHING OF MONETARY VALUE TO A SPECIFIC INDIVIDUAL
 32 OR ENTITY, IF THE PERSON BEING SOLICITED IS SEEKING:

1 **1. THE SUCCESS OR DEFEAT OF COUNTY**
2 **LEGISLATION;**

3 **2. A COUNTY CONTRACT; OR**

4 **3. ANY OTHER COUNTY BENEFIT.**

5 **(4) ANY CONFLICT OF INTEREST PROVISION ENACTED IN**
6 **ACCORDANCE WITH PARAGRAPH (3)(II) OF THIS SUBSECTION MAY NOT BE**
7 **CONSTRUED TO AFFECT THE VALIDITY OF ANY LEGALLY ENACTED**
8 **REQUIREMENT OR CONDITION, PROPOSED AND ADOPTED ON THE PUBLIC**
9 **RECORD AT A PUBLIC HEARING, THE PURPOSE OF WHICH IS TO MITIGATE THE**
10 **IMPACT OF A DEVELOPMENT ON THE PROPERTY OWNERS IN THE AREAS**
11 **SURROUNDING THE DEVELOPMENT, INCLUDING:**

12 **(I) AN ADEQUATE PUBLIC FACILITIES REQUIREMENT;**

13 **(II) A MINORITY BUSINESS REQUIREMENT; OR**

14 **(III) A COMMUNITY BENEFIT REQUIREMENT.**

15 **(5) THE LOBBYING PROVISIONS REQUIRED UNDER § 15-803**
16 **(A)(3) OF THIS SUBTITLE SHALL PROHIBIT A PERSON FROM BEING ENGAGED**
17 **FOR LOBBYING PURPOSES FOR COMPENSATION THAT IS CONTINGENT IN ANY**
18 **MANNER ON THE OUTCOME OF EXECUTIVE OR LEGISLATIVE ACTION BEFORE**
19 **THE COUNTY GOVERNMENT.**

20 **(6) THE COUNTY'S ETHICS ENACTMENTS SHALL PROVIDE FOR:**

21 **(I) A COUNTY BOARD OF ETHICS COMPOSED OF FIVE**
22 **MEMBERS APPOINTED BY THE COUNTY EXECUTIVE, SUBJECT TO THE ADVICE**
23 **AND CONSENT OF THE COUNTY COUNCIL;**

24 **(II) AN EXECUTIVE DIRECTOR OF THE BOARD OF ETHICS**
25 **WHO:**

26 **1. SHALL MEET INDIVIDUALLY WITH EACH ELECTED**
27 **OFFICIAL OF THE COUNTY AT LEAST ANNUALLY TO ADVISE THE OFFICIAL**
28 **REGARDING THE REQUIREMENTS OF ANY APPLICABLE ETHICS LAW, RULE, OR**
29 **STANDARD OF CONDUCT;**

1 2. SHALL ASSIST EACH ELECTED OFFICIAL OF THE
2 COUNTY IN PREPARING ANY AFFIDAVIT OR OTHER DOCUMENT REQUIRED TO BE
3 FILED UNDER THE COUNTY’S ETHICS ENACTMENTS;

4 3. SHALL CONDUCT ETHICS-RELATED BRIEFINGS
5 FOR THE BENEFIT OF ELECTED OFFICIALS OF THE COUNTY; AND

6 4. MAY PROVIDE INFORMATION TO ANY PERSON
7 REGARDING LAWS, RULES, AND OTHER STANDARDS OF ETHICAL CONDUCT
8 APPLICABLE TO ELECTED OFFICIALS OF THE COUNTY; AND

9 (III) A REQUIREMENT THAT THE BOARD OF ETHICS IS TO
10 MEET AT LEAST TWICE A YEAR.

11 15-808.

12 (a) If the Ethics Commission determines that a county or municipal
13 corporation has not complied with the requirements of this Part I, the Ethics
14 Commission may petition a circuit court with venue over the proceeding for
15 appropriate relief to compel compliance.

16 (b) The circuit court may grant any available equitable relief.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 June 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.