
By: Howard County Delegation

Introduced and read first time: January 15, 1997

Assigned to: Commerce and Government Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 18, 1997

CHAPTER ____

1 AN ACT concerning

2 **Howard County Ethics Bill**
3 **Ho. Co. 1-97**

4 FOR the purpose of requiring an applicant in certain zoning proceedings in Howard
5 County to file a certain affidavit stating whether the applicant is engaging in
6 business with certain elected officials when the application has been filed; requiring
7 an applicant who begins engaging in business with certain elected officials between
8 the filing of an application and the disposition of the application to file an affidavit
9 at a certain time; defining a certain term; providing for the application of this Act;
10 and generally relating to Ethics Law provisions for Howard County.

11 BY repealing and reenacting, with amendments,
12 Article - State Government
13 Section 15-848 and 15-849
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1996 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - State Government
18 Section 15-850
19 Annotated Code of Maryland
20 (1995 Replacement Volume and 1996 Supplement)

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

2

1 **Article - State Government**

2 15-848.

3 (a) In this Part VII the following words have the meanings indicated.

4 (b) (1) "Applicant" means an individual or a business entity that is, with regard
5 to the land that is the subject of the application:

6 (i) a title owner, assignee, or contract purchaser of the land;

7 (ii) a trustee that has an interest in the land, other than as a trustee
8 described in a mortgage or deed of trust; or

9 (iii) a holder of a 5% or greater interest in the business entity that has
10 an interest in the land if:

11 1. the interest holder is involved significantly in directing the
12 affairs of the business entity, including the disposition of the land; or

13 2. the interest holder is engaged in substantive actions
14 specifically pertaining to land development in Howard County as a regular part of the
15 activity of the business entity.

16 (2) "Applicant" includes:

17 (i) any other business entity in which an individual or business entity
18 described in paragraph (1) of this subsection holds a 3% or greater interest; or

19 (ii) an officer or director of a corporation who actually holds title to,
20 or is the contract purchaser or assignee of, the land that is the subject of an application if:

21 1. the corporation is listed on a national securities exchange
22 and the officer or director owns 5% or more of its stock; or

23 2. in the case of any other corporation, the officer or director
24 owns any interest in the corporation.

25 (3) "Applicant" does not include:

26 (i) a financial institution that has loaned money or extended financing
27 for the acquisition, development, or construction of improvements on the land that is the
28 subject of an application;

29 (ii) a municipal or public corporation;

30 (iii) a public authority;

31 (iv) a public service company acting within the scope of Article 78 of
32 the Code; or

33 (v) a person who is:

34 1. less than a full-time employee of a person described in
35 paragraph (1) or paragraph (2) of this subsection; and

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1 [(i)] (J) "Party of record" means an individual or business entity that participates
2 in a map amendment proceeding by the County Council or the zoning board, or who
3 participates in the adoption and approval of a comprehensive zoning plan by appearing at
4 a public hearing, filing a statement in an official record, or engaging in other similar
5 communication to an elected official where the intent is to oppose a change in
6 classification or an increase in density of the land of an applicant.

7 [(j)] (K) "Political committee" means a committee, continuing or noncontinuing,
8 specifically created to promote the candidacy of a person running for elective office.

9 [(k)] (L) "Slate" means a group, combination, or organization of candidates
10 created under the provisions of Article 33 of the Code.

11 [(l)] (M) (1) "Treasurer" has the meaning provided in Article 33, § 1-1 of the
12 Code.

13 (2) "Treasurer" includes a subtreasurer.

14 15-849.

15 (a) (1) When an application is filed, the applicant shall file an affidavit, under
16 oath, stating whether the applicant:

17 (I) has made any contribution or contributions having a cumulative
18 value of \$500 or more to the treasurer of a candidate or the treasurer of a political
19 committee during the 48-month period before the application is filed, to the best of the
20 applicant's information, knowledge, and belief; OR

21 (II) IS CURRENTLY ENGAGING IN BUSINESS WITH AN ELECTED
22 OFFICIAL.

23 (2) (i) If the applicant or a party of record or a family member has made
24 a contribution or contributions having a cumulative value of \$500 or more during the
25 48-month period before the application was filed or during the pendency of the
26 application, the applicant or the party of record shall file a disclosure providing the name
27 of the candidate or elected official to whose treasurer or political committee the
28 contribution was made, the amount, and the date of the contribution. However, if the
29 party of record is a community association, this paragraph may not be construed to
30 require the association to poll its members to disclose individual contributions.

31 (ii) A contribution made between the filing of the application and the
32 disposition of the application shall be disclosed within 5 business days of the contribution.

33 (3) AN APPLICANT WHO BEGINS ENGAGING IN BUSINESS WITH AN
34 ELECTED OFFICIAL BETWEEN THE FILING OF THE APPLICATION AND THE
35 DISPOSITION OF THE APPLICATION SHALL FILE THE AFFIDAVIT AT THE TIME OF
36 ENGAGING IN BUSINESS WITH THE ELECTED OFFICIAL.

37 (b) [The] EXCEPT AS PROVIDED IN SUBSECTION (A)(3) OF THIS SECTION, THE
38 affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration of
39 the application by an elected official.

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1 (c) Within 2 weeks after entering a proceeding, a party of record that has made a
2 contribution shall submit a disclosure as described in subsection (a)(2) of this section.

3 (d) An affidavit or a disclosure required under this Part VII shall be in a form
4 established by the Howard County Solicitor and approved by the County Council. The
5 completed form shall be filed in the appropriate case file of an application. The
6 disclosure form shall repeat the penalty provision in § 15-850(a) of this Part VII.

7 (e) A contribution made after the filing of the initial disclosure and before final
8 disposition of the application by the County Council shall be disclosed within 5 business
9 days of the contribution.

10 (f) In the enforcement of this Part VII, the administrative clerk to the zoning
11 board or the administrator of the County Council, as appropriate, considering an
12 application shall be subject to the authority of the Howard County Ethics Commission
13 and, unless otherwise directed by the Ethics Commission, shall:

14 (1) receive filings of affidavits and disclosures;

15 (2) maintain filed affidavits and disclosures as public records available for
16 review by the general public during normal business hours;

17 (3) report violations to the Howard County Ethics Commission; and

18 (4) perform ministerial duties necessary to administer this Part VII.

19 (g) (1) At least twice each calendar year the administrative assistant to the
20 zoning board and the administrator of the County Council shall prepare a summary
21 report compiling all affidavits and disclosures that have been filed.

22 (2) The summary report shall be a matter of public record and available for
23 inspection upon written request.

24 15-850.

25 (a) (1) Any person who knowingly and willfully violates the provisions of this
26 Part VII is subject to a fine of not more than \$5,000.

27 (2) If the person is not an individual, each officer and partner who
28 knowingly authorized or participated in the violation is subject to the same penalty
29 specified in paragraph (1) of this subsection.

30 (b) (1) Any person who is subject to the provisions of this Part VII shall
31 preserve for 3 years from the date of filing the application all accounts, bills, receipts,
32 books, papers, and documents necessary to complete and substantiate any reports,
33 statements, or records required to be made under this Part VII.

34 (2) The papers and documents described in paragraph (1) of this subsection
35 shall be available for inspection upon request to the Howard County Ethics Commission,
36 after reasonable notice.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
38 only prospectively and may not be applied or interpreted to have any effect on or
39 application to any action or event, including the filing of an application as defined in §

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1 15-848 of the State Government Article of the Annotated Code of Maryland before the
2 effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1997.