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

Introduced and read first time: February 11, 1999

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland-National Capital Park and Planning Commission - District**  
3 **Council for Montgomery County - Campaign Contributions by Applicants -**  
4 **Final Action on Applicants' Project**  
5 **MC/PG 5-99**

6 FOR the purpose of prohibiting certain persons from requesting, under certain  
7 circumstances, the District Council for Montgomery County to take final action  
8 relating to development, improvement, or construction on certain land within  
9 the Maryland-Washington Metropolitan District that is located in Montgomery  
10 County; and generally relating to actions on application requests filed by certain  
11 persons with the District Council regarding certain projects on certain land in  
12 Montgomery County.

13 BY repealing and reenacting, without amendments,  
14 Article - State Government  
15 Section 15-838, 15-840, and 15-841  
16 Annotated Code of Maryland  
17 (1995 Replacement Volume and 1998 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article - State Government  
20 Section 15-839  
21 Annotated Code of Maryland  
22 (1995 Replacement Volume and 1998 Supplement)

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

25 **Article - State Government**

26 15-838.

27 (a) In this Part V the following words have the meanings indicated.

1 (b) (1) (i) "Applicant" means an individual or business entity that is:  
2 1. a title owner or contract purchaser of land that is the  
3 subject of an application;  
4 2. a trustee who has an interest in land that is the subject of  
5 an application, excluding trustees described in a mortgage or deed of trust; or  
6 3. a holder of 5 percent or greater interest in a business  
7 entity who has an interest in land that is the subject of an application.

8 (ii) "Applicant" includes, if the applicant is a corporation, the  
9 directors and officers of the corporation which actually holds title to the land, or is a  
10 contract purchaser of the land which is the subject of an application.

11 (2) "Applicant" does not include:

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

15 (ii) a municipal or public corporation;

16 (iii) a public authority;

17 (iv) a public service company acting within the scope of the Public  
18 Utility Companies Article; or

19 (v) a person who is hired or retained as an accountant, attorney,  
20 architect, engineer, land use consultant, economic consultant, real estate agent, real  
21 estate broker, traffic consultant, or traffic engineer.

22 (c) "Application" means an application for a local map amendment, including  
23 a reclassification.

24 (d) "Business entity" means:

25 (1) a sole proprietorship;

26 (2) a corporation;

27 (3) a general partnership;

28 (4) a limited partnership;

29 (5) a limited liability company; or

30 (6) a joint venture.

31 (e) "Candidate" means an individual who wins an election to the Office of  
32 County Executive or County Council of Montgomery County.

1 (f) (1) "Contribution" means any payment or transfer of money or property  
2 of \$500 or more, calculated cumulatively during a 4-year election cycle, or the  
3 incurring of any liability or promise of anything of value of \$500 or more, calculated  
4 cumulatively during a 4-year election cycle, to the treasurer of either a candidate or  
5 a political committee.

6 (2) "Contribution" includes a payment or transfer to a slate with which a  
7 candidate is associated.

8 (3) Except as provided in paragraph (4) of this subsection, the \$500  
9 cumulative threshold contribution is calculated separately as to each candidate or  
10 elected official.

11 (4) For purposes of this subtitle, a cumulative contribution of \$500 or  
12 more to a slate is fully attributed to each candidate on the slate.

13 (g) "Elected official" means an individual who holds the Office of County  
14 Executive or member of the County Council of Montgomery County.

15 (h) (1) "Party of record" means an individual or business entity that is  
16 granted standing to participate in a local map amendment proceeding by the County  
17 Council, sitting as the District Council, or its hearing examiner.

18 (2) "Party of record" does not include an attorney, consultant, employee,  
19 or other agent of a party of record, including an authorized representative of a  
20 community association who is participating in a proceeding solely on behalf of the  
21 association.

22 (i) "Political committee" means any combination of two or more persons  
23 appointed by a candidate or any other person or formed in any other manner which  
24 assists or attempts to assist in any manner the promotion of the success or defeat of  
25 any candidate, candidates, political party, principle, or proposition submitted to a vote  
26 in any election.

27 (j) (1) "Treasurer" has the meaning provided in Article 33, § 1-101 of the  
28 Code.

29 (2) "Treasurer" includes a subtreasurer.

30 15-839.

31 (a) An applicant or party of record who makes a contribution during the  
32 4-year election cycle before the filing of the application or during the pendency of the  
33 application shall disclose the contribution in accordance with this section.

34 (b) (1) Upon filing an application, an applicant shall submit a disclosure  
35 statement that names any candidate or elected official to whose treasurer or political  
36 committee the applicant made a contribution, states the amount, and states the date  
37 of the contribution. If a contribution was not made, the disclosure statement shall so  
38 state.

1 (2) The disclosure statement shall be filed:

2 (i) on a form approved by the County Council and which shall  
3 contain:

4 1. an affirmation clause to be signed by the applicant under  
5 the penalties of perjury that the contents of the disclosure statement are true to the  
6 best of the applicant's knowledge, information, and belief; and

7 2. a notice that noncompliance with this subtitle may result  
8 in a fine of up to \$1,000; and

9 (ii) with the Chief Hearing Examiner of the Office of Zoning and  
10 Administrative Hearings, unless the Council determines otherwise.

11 (3) Within 2 weeks after entering a proceeding, a party of record that has  
12 made a contribution shall submit a disclosure statement as described under  
13 paragraph (2) of this subsection.

14 (4) A contribution made after the filing of the initial disclosure and  
15 before the final disposition of the application by the District Council shall be disclosed  
16 within 5 business days of the contribution.

17 (C) AN APPLICANT MAY NOT FILE A REQUEST THAT THE DISTRICT COUNCIL  
18 TAKE FINAL ACTION ON AN APPLICATION RELATING TO DEVELOPMENT,  
19 IMPROVEMENT, OR CONSTRUCTION ON LAND, INCLUDING A REQUEST FOR A  
20 SPECIAL EXCEPTION, A VARIANCE, OR A ZONING CHANGE, AS THOSE TERMS ARE  
21 CONSTRUED UNDER ARTICLE 28 OF THE CODE, IF, DURING THE 24 MONTHS  
22 IMMEDIATELY PRECEDING THE DATE THAT THE REQUEST IS FILED, THE APPLICANT  
23 MADE A CONTRIBUTION TO AN ELECTED OFFICIAL.

24 [(c)] (D) (1) The Chief Hearing Examiner of the Office of Zoning and  
25 Administrative Appeals shall be the official custodian of records filed under this Part  
26 V and, at least twice each calendar year, shall prepare a summary report compiling  
27 all affidavits and disclosures that have been filed.

28 (2) A summary report and disclosure statement filed under this Part V  
29 shall be a matter of public record and available for inspection upon written request.

30 15-840.

31 (a) Any person who knowingly and willfully violates the provisions of this Part  
32 V is guilty of a misdemeanor and upon conviction is subject to a fine of not more than  
33 \$1,000.

34 (b) If the person is a business entity and not a natural person, each officer and  
35 partner of the business entity who knowingly authorized or participated in the  
36 violation is guilty of a misdemeanor and upon conviction is subject to the same  
37 penalties as the business entity.

1 (c) The provisions of this Part V shall be enforced by the State's Attorney for  
2 Montgomery County.

3 15-841.

4 (a) The County Council has no legal duty to verify the accuracy of any  
5 disclosure statement filed under this Part V.

6 (b) Failure by any person, including the Chief Hearing Examiner of the Office  
7 of Zoning and Administrative Appeals, to comply with this Part V is not grounds for  
8 invalidation of any decision by the County Council, sitting as the District Council, for  
9 which a disclosure statement is required.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 1999.