

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 633

(Frederick County Delegation)

Environmental Matters

Education, Health, and Environmental
Affairs

Frederick County Commissioners - Zoning and Planning - Public Ethics

This bill establishes ethics requirements in Frederick County for planning and zoning proceedings.

The bill is effective June 1, 2004.

Fiscal Summary

State Effect: Enforcement of ethics requirements for planning and zoning proceedings in Frederick County would not materially affect the finances of the State Ethics Commission.

Local Effect: Potential minimal increase in Frederick County revenues due to the bill's penalty provisions beginning in FY 2005. Minimal increase in Frederick County expenditures beginning in FY 2005 to prepare and distribute summary reports of all affidavits and disclosures concerning campaign contributions and ex parte communications involving applications for land use changes.

Small Business Effect: Minimal.

Analysis

Bill Summary: This bill prohibits applicants for changes in land use regulations from making campaign contributions to Frederick County Commissioners during the pendency of an application; requires the recusal of a Frederick County Commissioner from voting

on actions before the board if the member received campaign contributions during the pendency of the application for changes to land use regulations; and requires disclosure of ex parte communications between Frederick County Commissioners and applicants during the pendency of an application for changes to land use regulations.

Applications for land use changes under this bill include: (1) a zoning amendment as part of a comprehensive rezoning proceeding or a piecemeal or floating zone rezoning proceeding; (2) a map amendment to the county's comprehensive land use plan; (3) a map amendment to the county water and sewerage plan; (4) a request to approve the placement of annexed land in a zoning classification that allows a land use that is substantially different from the use specified in the county's comprehensive land use plan; or (5) creation of a district or easement or other interest in real property as part of an agricultural land preservation program.

The bill requires the county manager to prepare summary reports of all affidavits and disclosures that have been filed in case files concerning applications for land use changes. The county is required to distribute reports upon written request.

The bill also sets forth procedures for the State Ethics Commission or other aggrieved party of record in cases involving procedural error and sets forth penalties for violations of the public ethics law.

Current Law: There are no ethics requirements in Frederick County regarding planning and zoning proceedings.

Local Revenues: Frederick County revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in circuit court.

Local Expenditures: Frederick County expenditures could increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities in Frederick County are expected to be approximately \$62 per inmate in fiscal 2004. The number of people convicted of this proposed crime is expected to be minimal.

Frederick County expenditures would increase to prepare and distribute summary reports of all affidavits and disclosures concerning campaign contributions and ex parte communications involving applications for land use changes. Any impact is expected to be minimal.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Ethics Commission, Frederick County, Department of Legislative Services

Fiscal Note History: First Reader - February 28, 2003
ncs/hlb

Analysis by: Christopher J. Kelter

Direct Inquiries to:
(410) 946-5510
(301) 970-5510