

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

Senate Bill 979

(Senator Brinkley)

Education, Health, and Environmental Affairs

Environmental Matters

Frederick County Commissioners - Zoning and Planning - Public Ethics

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

The bill takes effect June 1, 2007.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's incarceration penalty provisions. Revenues would not be affected.

Local Effect: Potential minimal increase in Frederick County revenues and expenditures due to the bill's penalty provisions. Minimal increase in Frederick County expenditures to prepare and distribute summary reports of affidavits and disclosures.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill:

- prohibits applicants for certain changes in land use regulations from making campaign contributions to Frederick County Commissioners within 2 years of filing the application or within 30 days from the date either final action is taken on it or it is withdrawn – whichever is earlier;

- mandates a Frederick County Commissioner to recuse him/herself from voting on or participating in proceedings for the application if the member received campaign contributions from the applicant during that period;
- requires disclosure of *ex parte* communications between a Frederick County Commissioner and an applicant while an application is pending;
- specifies that the county manager has to prepare summary reports of all affidavits and disclosures that have been filed in the application case files at least twice each year;
- authorizes the Frederick County Ethics Commission or another aggrieved party of record to assert a violation of the bill as a procedural error in an action for judicial review of the application; if the court determines that a violation has occurred, it has to remand the case back to the county commission for reconsideration; and
- sets forth penalties for knowingly and willfully violating the bill.

Current Law: None applicable.

State Fiscal Effect: Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. In Frederick County, State per diem reimbursements for fiscal 2008 are estimated to be \$35. It is expected that any such impact would be minimal.

Local Fiscal Effect: Frederick County expenditures could increase to prepare and distribute summary reports of required affidavits and disclosures. Any impact is expected to be minimal and absorbable within existing resources.

Frederick County revenues could increase minimally as a result of the bill's monetary penalty provision. In addition, county expenditures could increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 90 days of the sentence, plus part of the per diem cost after 90 days. In Frederick County, per diem operating costs of local detention facilities are expected to \$70 per inmate in fiscal 2008 for the first 90 days and \$35 per day thereafter.

Additional Information

Prior Introductions: HB 633 of 2003, a similar bill, passed the General Assembly but was vetoed by the Governor.

Cross File: HB 1344 (Frederick County Delegation) – Rules and Executive Nominations.

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

Fiscal Note History: First Reader - March 9, 2007
ncs/hlb

Analysis by: Joshua A. Watters

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