

HOUSE BILL 1369

G2, L2

9lr0995

By: **Howard County Delegation**

Introduced and read first time: February 20, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County Ethics Law – Application for Zoning Regulation Amendment**

3 **Ho. Co. 12-09**

4 FOR the purpose of making an application for a zoning regulation amendment subject
5 to certain Howard County ethics law provisions; altering a definition; and
6 generally relating to certain Howard County ethics law provisions.

7 BY repealing and reenacting, without amendments,
8 Article – State Government
9 Section 15-848(a), 15-849, and 15-850
10 Annotated Code of Maryland
11 (2004 Replacement Volume and 2008 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – State Government
14 Section 15-848(c)
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2008 Supplement)

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

19 **Article – State Government**

20 15-848.

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

22 (c) “Application” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) an application for a zoning map amendment; [or]

2 (2) **AN APPLICATION FOR A ZONING REGULATION AMENDMENT;**
3 **OR**

4 [(2)] (3) participation in the adoption and approval of a
5 comprehensive zoning plan by appearing at a public hearing, filing a statement in an
6 official record, or engaging in other similar communication to an elected official, where
7 the intent is to change the classification or increase the density of the land of the
8 applicant.

9 15–849.

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

12 (i) has made any contribution or contributions having a
13 cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a
14 political committee during the 48–month period before the application is filed, to the
15 best of the applicant’s information, knowledge, and belief; or

16 (ii) is currently engaging in business with an elected official.

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

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

28 (3) An applicant who begins engaging in business with an elected
29 official between the filing of the application and the disposition of the application shall
30 file the affidavit at the time of engaging in business with the elected official.

31 (b) Except as provided in subsection (a)(3) of this section, the affidavit or
32 disclosure shall be filed at least 30 calendar days prior to any consideration of the
33 application by an elected official.

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

1 (d) (1) Except as provided in paragraph (2) of this subsection, a
2 contributor and an elected official are subject to the provisions of this Part VII if the
3 contributor makes a contribution to:

4 (i) the candidate;

5 (ii) a slate; or

6 (iii) the candidate's political committee.

7 (2) The provisions of this Part VII do not apply to a transfer by a
8 political action committee to a candidate or the candidate's continuing political
9 committee.

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

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

17 (g) In the enforcement of this Part VII, the administrative clerk to the zoning
18 board or the administrator of the County Council, as appropriate, considering an
19 application shall be subject to the authority of the Howard County Ethics Commission
20 and, unless otherwise directed by the Ethics Commission, shall:

21 (1) receive filings of affidavits and disclosures;

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

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

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

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

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

31 15-850.

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

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

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2009.