

CHAPTER 455

(House Bill 1369)

AN ACT concerning

Howard County Ethics Law – Application for Zoning Regulation Amendment

Ho. Co. 12-09

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

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

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

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

Article – State Government

15-848.

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

(c) “Application” means:

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

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

OR

[(2)] (3) participation in the adoption and approval of a comprehensive zoning plan by appearing at a public hearing, filing a statement in an official record, or engaging in other similar communication to an elected official, where

the intent is to change the classification or increase the density of the land of the applicant.

15-849.

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

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

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

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

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

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

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

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

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

(i) the candidate;

- (ii) a slate; or
- (iii) the candidate's political committee.

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

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

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

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

- (1) receive filings of affidavits and disclosures;
- (2) maintain filed affidavits and disclosures as public records available for review by the general public during normal business hours;
- (3) report violations to the Howard County Ethics Commission; and
- (4) perform ministerial duties necessary to administer this Part VII.

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

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

15-850.

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

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

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

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

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

Approved by the Governor, May 7, 2009.