

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 391 (Senator Exum)
Education, Health, and Environmental Affairs

**Prince George's County - Council Member - Ethics Laws Governing Campaign
Contributions, Participation, and Voting**

This bill repeals provisions of public ethics law that prohibit a specified applicant or agent of an applicant from making a specified payment to a member of the Prince George's County Council during the pendency of a specified application generally relating to zoning and land use. The bill also repeals the restriction that prohibits a member of the Prince George's County Council, after an application has been filed, from voting or participating in any way in the proceeding on the application if the member's treasurer or the member's continuing political committee received a payment, during the 36-month period before the filing of the application or during the pendency of the application, from any of the applicants or agents of the applicants.

Fiscal Summary

State Effect: None.

Local Effect: None. Prince George's County finances or operations are not directly affected.

Small Business Effect: None.

Analysis

Current Law: A "payment" is defined as any payment or contribution of money or property or the incurring of any liability or promise of anything of value to a treasurer of a candidate or of a continuing political committee.

An applicant or agent of an applicant, may not make a payment to a member of the Prince George's County Council or County Executive during the pendency of an application (defined below).

After an application has been filed, a member of the county council may not vote or participate in any way in the proceeding on the application if the member's treasurer or continuing political committee received a payment, during the 36-month period before the filing of the application or during the pendency of the application, from any of the applicants or the agents of the applicants. A member of the county council, however, is not subject to this requirement if:

- no applicant or agent has filed an affidavit naming the member or the member's continuing political committee as the recipient of the payment (such an affidavit regarding any specified payments made is required to be filed subsequent to the filing of an application); or
- (1) a transfer to the member's treasurer or continuing political committee was made by a political action committee to which an applicant or agent had made a payment, (2) the payment was made to the political action committee without any intent to subvert the purposes of the local government provisions of the public ethics laws, (3) the payment and transfer are disclosed in an affidavit, and (4) the transfer or the payment is returned.

An "application" is defined as:

- an application for a zoning map amendment, special exception, departure from design standards, revision to a special exception site plan, expansion of a legal nonconforming use, revision to a legal nonconforming use site plan, or a request for a variance from the zoning ordinance;
- an application to approve a comprehensive design plan, a conceptual site plan, or a specific design plan; or
- participation in adopting and approving an area master plan or sectional map amendment by appearance at a public hearing, filing a statement in the official record, or other similar communication to a member of the county council or planning board, where the intent is to intensify the zoning category applicable to the land of the applicant.

Those qualifying as an applicant are further specified in the law, including an individual or business entity that is a title owner or contract purchaser of land that is the subject of an application and others with specified interests in, or related to, such land.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, State Ethics Commission, Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2009
mam/hlb

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