

HOUSE BILL 1089

G2, G1

11r0678
CF SB 902

By: **Prince George's County Delegation**

Introduced and read first time: February 11, 2011

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: April 3, 2011

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Public Ethics Requirements – Limitations on**
3 **Contributions to Slates Containing the County Executive or a Member of the**
4 **County Council and on Participation of County Council Members in Land**
5 **Use Applications**

6 **PG 411–11**

7 FOR the purpose of prohibiting payments to be made, under certain circumstances, to
8 slates that include a member of the County Council for Prince George's County
9 or the Prince George's County Executive during the pendency of certain
10 applications; expanding a prohibition on a member of the County Council voting
11 or participating in certain applications if the member received certain payments
12 during a certain period by including payments to certain slates; repealing a
13 provision that allows a member to participate in certain applications if a certain
14 affidavit is not filed; providing for the prospective application of this Act; and
15 generally relating to the expansion of public ethics requirements in Prince
16 George's County.

17 BY repealing and reenacting, without amendments,
18 Article – State Government
19 Section 15–829(a), (d), (f), (l), and (p)
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2010 Supplement)

22 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – State Government
2 Section 15–829(m) and 15–831
3 Annotated Code of Maryland
4 (2009 Replacement Volume and 2010 Supplement)

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

7 **Article – State Government**

8 15–829.

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

10 (d) “Application” means:

11 (1) an application for a zoning map amendment, special exception,
12 departure from design standards, revision to a special exception site plan, expansion of
13 a legal nonconforming use, revision to a legal nonconforming use site plan, or a
14 request for a variance from the zoning ordinance;

15 (2) an application to approve a comprehensive design plan, a
16 conceptual site plan, or a specific design plan; or

17 (3) participation in adopting and approving an area master plan or
18 sectional map amendment by appearance at a public hearing, filing a statement in the
19 official record, or other similar communication to a member of the County Council or
20 the Planning Board, where the intent is to intensify the zoning category applicable to
21 the land of the applicant.

22 (f) “Candidate” means a candidate for election to the County Council who
23 becomes a member.

24 (l) “Member of the County Council” includes any candidate or person duly
25 elected or appointed who takes the oath of office as a member of the County Council
26 for Prince George’s County and who thereby serves on the District Council.

27 (m) “Payment” means any payment or contribution of money or property or
28 the incurring of any liability or promise of anything of value to a treasurer of a
29 candidate [or of], a **CANDIDATE’S** continuing political committee, **OR A SLATE TO**
30 **WHICH THE CANDIDATE BELONGS.**

31 (p) “Slate” means a group, combination, or organization of candidates created
32 under the provisions of the Election Law Article.

33 15–831.

1 (a) An applicant or agent of the applicant may not make a payment to a
2 member of the County Council, [or to] the County Executive, **OR A SLATE THAT**
3 **INCLUDES THE COUNTY EXECUTIVE OR A MEMBER OF THE COUNTY COUNCIL,**
4 during the pendency of the application.

5 (b) (1) After an application has been filed, a member of the County
6 Council may not vote or participate in any way in the proceeding on the application if
7 the member's treasurer or [the member's] continuing political committee, **OR A SLATE**
8 **TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE 36-MONTH**
9 **PERIOD PRECEDING THE FILING OF THE APPLICATION,** received a payment[,]
10 during the 36-month period before the filing of the application or during the pendency
11 of the application[,] from any of the applicants or the agents of the applicants.

12 (2) A member is not subject to the requirements of paragraph (1) of
13 this subsection if:

14 (i) [as to the application, no applicant or agent has filed an
15 affidavit naming the member or the member's continuing political committee as the
16 recipient of a payment; or

17 (ii) 1.] a transfer to the member's treasurer [or], A
18 continuing political committee, **OR A SLATE TO WHICH THE MEMBER BELONGS OR**
19 **BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE FILING OF THE**
20 **APPLICATION** was made by a political action committee to which an applicant or
21 agent had made a payment;

22 [2.] **(II)** the applicant or agent made the payment to the
23 political action committee without any intent to subvert the purposes of this subtitle;

24 [3.] **(III)** the applicant's or agent's payment to the
25 political action committee, and the political action committee's transfer, are disclosed
26 in an affidavit; and

27 [4.] **(IV)** the transfer is returned to the political action
28 committee by the member, or the payment is returned to the applicant or agent by the
29 political action committee.

30 (c) (1) After an application is filed, the applicant shall file an affidavit,
31 under oath, stating to the best of the applicant's information, knowledge, and belief
32 that:

33 (i) 1. during the 36-month period before the filing of the
34 application and during the pendency of the application, the applicant has not made
35 any payment to [the treasurer of a candidate or] **A MEMBER'S OR CANDIDATE'S**
36 **TREASURER, A MEMBER'S OR CANDIDATE'S** continuing political committee, **OR A**

1 SLATE TO WHICH THE MEMBER OR CANDIDATE BELONGS OR BELONGED DURING
2 THE 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION; or

3 2. if any such payment was made, discloses the name of
4 the member to whose treasurer[,] or [whose] continuing political committee, OR
5 SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE
6 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION, the payment
7 was made;

8 (ii) 1. during the 36-month period before the filing of the
9 application and during the pendency of the application, the applicant has not solicited
10 any person or business entity to make a payment to [the treasurer of a candidate or] A
11 MEMBER'S OR CANDIDATE'S TREASURER, A MEMBER'S OR CANDIDATE'S
12 continuing political committee, OR A SLATE TO WHICH THE MEMBER OR
13 CANDIDATE BELONGS OR BELONGED DURING THE 36-MONTH PERIOD
14 PRECEDING THE FILING OF THE APPLICATION; or

15 2. if any such solicited payment was made, discloses the
16 name of the member to whose treasurer[,] or [whose] continuing political committee,
17 OR SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE
18 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION, the payment
19 was made; and

20 (iii) 1. during the 36-month period before the filing of the
21 application and during the pendency of the application, a member of the applicant's
22 household has not made a payment to [the treasurer of a candidate or] A MEMBER'S
23 OR CANDIDATE'S TREASURER, A MEMBER'S OR CANDIDATE'S continuing political
24 committee, OR A SLATE TO WHICH THE MEMBER OR CANDIDATE BELONGS OR
25 BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE FILING OF THE
26 APPLICATION; or

27 2. if such a payment has been made, discloses the name
28 of the member to whose treasurer[,] or [whose] continuing political committee, OR
29 SLATE TO WHICH THE MEMBER BELONGS OR BELONGED DURING THE
30 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION, the payment
31 was made.

32 (2) The affidavit may be filed any time prior to consideration of the
33 application by the District Council, at the discretion of the applicant. However, in no
34 event may the affidavit be filed less than 30 calendar days prior to consideration by
35 the District Council of the application.

36 (3) A supplemental affidavit shall be filed whenever a payment is
37 made after the original affidavit was filed.

1 (4) An applicant has no obligation to make any representations
2 pertaining to the actions of anyone other than that applicant under the affidavit. In
3 the case of business entities, anyone with authority to act on behalf of, and bind, the
4 business entity may execute an affidavit on behalf of the business entity itself.

5 (5) The only disclosures required under the affidavit are those
6 involving individuals or business entities that would be subject to the provisions of
7 this subtitle.

8 (d) (1) An agent shall file an affidavit in an application only if:

9 (i) the agent has acted on behalf of the applicant with regard to
10 the specific application; and

11 (ii) during the 36-month period before the filing of the
12 application and during the pendency of the application, and after becoming an agent of
13 the applicant:

14 1. the agent has made a payment to a **MEMBER OR**
15 **candidate [or], A MEMBER'S OR CANDIDATE'S** continuing political committee, **OR A**
16 **SLATE TO WHICH THE MEMBER OR CANDIDATE BELONGS OR BELONGED DURING**
17 **THE 36-MONTH PERIOD PRECEDING THE FILING OF THE APPLICATION;** or

18 2. the agent has solicited any person to make a payment
19 to [the treasurer of a candidate or] **A MEMBER'S OR CANDIDATE'S TREASURER, a**
20 **MEMBER'S OR CANDIDATE'S** continuing political committee, **OR A SLATE TO WHICH**
21 **THE MEMBER OR CANDIDATE BELONGS OR BELONGED DURING THE 36-MONTH**
22 **PERIOD PRECEDING THE FILING OF THE APPLICATION.**

23 (2) Notwithstanding the provisions of paragraph (1)(ii) of this
24 subsection, an agent shall disclose in the affidavit a payment made before becoming an
25 agent if the agent:

26 (i) made the payment by prearrangement or in coordination
27 with one or more applicants; or

28 (ii) acted as an agent as to any other application filed during the
29 36-month period.

30 (e) (1) Except as provided in paragraph (2) of this subsection, a
31 contributor, a member of the County Council, or a political action committee is subject
32 to this Part IV if a payment is made by the contributor or a transfer is made by the
33 political action committee to:

34 (i) the candidate; [or]

1 (ii) the candidate's continuing political committee; OR

2 (iii) A SLATE TO WHICH THE MEMBER OR CANDIDATE
3 BELONGS OR BELONGED DURING THE 36-MONTH PERIOD PRECEDING THE
4 FILING OF THE APPLICATION.

5 (2) The provisions of this Part IV do not apply to:

6 (i) [any payment or transfer to a slate, unless the slate is
7 composed solely of candidates or members of the County Council;

8 (ii)] any transfer to the continuing political committee of a
9 candidate or member of the County Council by the continuing political committee of
10 another individual running for elective office; or

11 [(iii)] (ii) a payment or transfer to the Prince George's County
12 Central Committee, or State Central Committee, of a political party, even if the
13 Central Committee supports a candidate.

14 (3) A person may not make a payment in violation of this Part IV.

15 (f) An applicant or agent may not take any action, directly or indirectly, with
16 the intent to circumvent the intent of this subtitle.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
18 construed to apply only prospectively and may not be applied or interpreted to prohibit
19 a member of the Prince George's County Council from participating in a district
20 council proceeding based on a payment made before January 1, 2011.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.