

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**

House Bill 1089

(Prince George's County Delegation)

Environmental Matters

Education, Health, and Environmental Affairs

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**Prince George's County - Public Ethics Requirements - Limitations on  
Contributions to Slates Containing the County Executive or a Member of the  
County Council and on Participation of County Council Members in Land Use  
Applications  
PG 411-11**

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This bill amends existing prohibitions and disclosure requirements regarding political contributions to Prince George's County Council members or the County Executive by, or solicited by, certain persons or entities with an interest in specified planning and zoning-related applications to be considered by the Prince George's County District Council. Under the bill, the prohibitions and disclosure requirements are expanded to also apply to contributions to a slate to which a county council member or the county executive belongs (or in certain cases belonged). The bill also repeals a provision that exempts a council member from a requirement that the member not vote or participate in any way in a proceeding on an application if specified political contributions have been received by the member if no affidavit required to be filed by interested persons or entities disclosing such contributions has been filed. The bill applies only prospectively and does not prohibit a council member from participating in a Prince George's County District Council proceeding based on a contribution made before January 1, 2011.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** The bill does not affect Prince George's County finances.

**Small Business Effect:** None.

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## **Analysis**

**Current Law:** An applicant or an agent of the applicant may not make a payment to a member of the Prince George’s County Council or to the County Executive during the pendency of specified planning and zoning-related applications.

“Applicant” is an individual or business entity generally with specified direct or indirect interest in the land that is the subject of the application.

“Agent” is any individual or business entity hired or retained by an applicant to provide various specified services relating to the land that is the subject of the application, as well as specified individuals employed by or affiliated with certain business entity applicants.

“Payment” is 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.

After an application is filed, the applicant must file an affidavit, under oath, disclosing to the best of the applicant’s information, knowledge, and belief whether, during the 36-month period before the filing of the application and during the pendency of the application, the applicant has made or solicited any person or business entity to make a payment to the treasurer or continuing political committee of a council member. An affidavit must also disclose whether a member of the applicant’s household has made such a payment. An agent who has acted on behalf of the applicant with regard to the specific application must generally file a similar affidavit if the agent has made or solicited any person to make a payment to a candidate or a continuing political committee during the same period while serving as an agent or under other specified circumstances.

After an application has been filed, a council member 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 from any of the applicants or the agents of the applicants during the 36-month period before the filing of the application or during the pendency of the application. A council member is not subject to this prohibition if, as to the application, no applicant or agent has filed an affidavit naming the member or the member’s continuing political committee as the recipient of a payment or if a payment was made indirectly through a payment to a political action committee that made a transfer to the member’s treasurer or continuing political committee, was made without any subversive intent, is disclosed in an affidavit, and either the transfer or the payment is returned.

The above provisions do not apply to any payment or transfer to a slate, unless the slate is composed solely of candidates or members of the county council. This exemption is repealed by the bill.

**Background:** Planning and zoning functions in Prince George's County are administered by multiple entities, including the district council (the county council, when acting on planning and zoning matters) and the county executive. The district council plays a central decisionmaking role in the planning and zoning processes. A number of zoning and development review matters are also decided by other entities, such as the planning board, but in a number of cases those decisions may be appealed to or reviewed by the district council. The county executive plays a less central role in decisionmaking, but is involved with respect to the coordination of planning and development with the ability to provide public facilities and services. The Department of Environmental Resources, an executive branch agency, also issues various permits in the development process.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 902 (Senator Miller) - Education, Health, and Environmental Affairs.

**Information Source(s):** Prince George's County; State Ethics Commission; Maryland-National Capital Park and Planning Commission, *A Citizen's Handbook: Planning, Zoning, and Development Review in Prince George's County (2010)*; Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2011  
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