G2 7lr3390 CF SB 805

By: Delegates Krimm and K. Young

Introduced and read first time: February 6, 2017 Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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Frederick County – Ethics – Prohibited Contributions to Planning Commission Members

4 FOR the purpose of prohibiting a certain applicant from making a contribution to a member 5 of the Planning Commission in Frederick County who is a candidate for Frederick 6 County Council or Frederick County Executive during a certain period of time; 7 prohibiting a certain member of the Planning Commission from voting or 8 participating in the proceedings on a certain application if the member, the 9 treasurer, or the political committee of the member received a certain contribution from a certain applicant during a certain period of time; authorizing a certain 10 11 member of the Planning Commission to participate in a comprehensive zoning or 12 rezoning proceeding; requiring a member of the Planning Commission who 13 communicates ex parte with an individual concerning a pending application to file a 14 certain disclosure; exempting certain communications from a requirement to file a 15 certain disclosure; repealing certain provisions of law relating to the requirement 16 that a certain party of record file a certain affidavit under certain circumstances; 17 altering certain defined terms; making conforming changes; and generally relating 18 to prohibited contributions to Planning Commission members in Frederick County.

19 BY repealing and reenacting, with amendments,

20 Article – General Provisions

21 Section 5–857, 5–858, 5–859, and 5–861

22 Annotated Code of Maryland

23 (2014 Volume and 2016 Supplement)

24 BY repealing

25 Article – General Provisions

26 Section 5–860

27 Annotated Code of Maryland

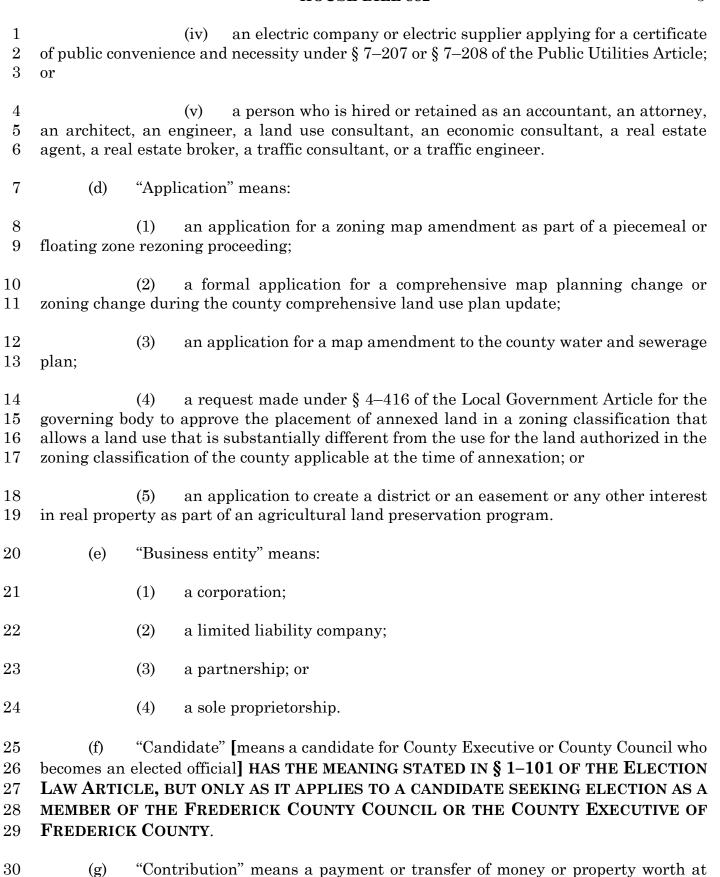
28 (2014 Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



$\frac{1}{2}$	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:				
3	Article - General Provisions				
4	5-857.				
5	(a) In tl	nis part	the following words have the meanings indicated.		
6	(b) "Agg	"Aggrieved party" means:			
7	(1)	a pro	perty owner whose property:		
8		(i)	adjoins, fronts, or is located near the subject property; or		
9		(ii)	is located within sight or sound of the subject property; or		
10 11 12	(2) an individual located within the same subdivision as the subject property or who lives up to three–quarters of a mile by road or otherwise one–half mile away from the subject property.				
13	(c) (1)	"App	licant" means a person that is:		
14 15	an application;	(i)	a title owner or contract purchaser of land that is the subject of		
16 17	application, exclu	(ii) ıding tr	a trustee who has an interest in land that is the subject of an ustees described in a mortgage or deed of trust; or		
18 19	an application.	(iii)	a holder of at least a 10% interest in land that is the subject of		
20 21 22	(2) "Applicant" includes a person who is an officer or a director of a corporation that actually holds title to the land, or is a contract purchaser of the land, that is the subject of an application.				
23	(3)	"App	licant" does not include:		
24 25 26	financing for the that is the subject		a financial institution that has loaned money or extended tion, development, or construction of or improvements on the land application;		
27		(ii)	a municipal corporation or public corporation;		
28		(iii)	a public authority;		



least \$100, calculated cumulatively during the pendency of the application, to a candidate

or a treasurer or political committee of a candidate.

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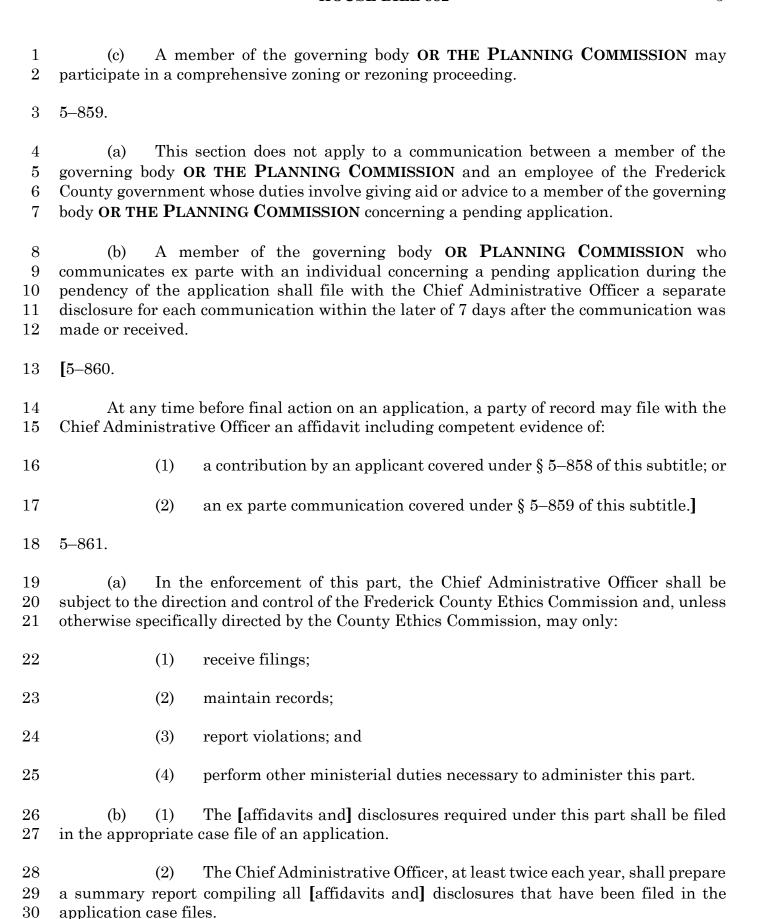
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during the pendency of the application.

1	(h)	"Governing body" means the governing body of Frederick County.		
2	(i)	"Partnership" includes:		
3		(1) a general partnership;		
4		(2) a joint venture;		
5		(3) a limited liability limited partnership;		
6		(4) a limited liability partnership; or		
7		(5) a limited partnership.		
8 9 10		(j) "Party of record" means a person that participated in a proceeding on an application before the governing body OR THE PLANNING COMMISSION by appearing at a public hearing or filing a statement in an official record.		
11 12 13	(k) [County Dependent of:	County Department of Planning and Zoning] COUNTY of a filing of an application and the		
14		(1) 2 years after the acceptance of the application; or		
15		(2) the expiration of 30 days after:		
16		(i) the governing body has taken final action on the application; or		
17		(ii) the application is withdrawn.		
18 19 20	(l) "Political committee" means a committee specifically created to promote the candidacy of A CANDIDATE WHO IS a member of the governing body [who is running for an elective office] OR THE PLANNING COMMISSION .			
21	(m)	"Treasurer" has the meaning stated in § 1–101 of the Election Law Article.		
22	5-858.			
23 24	(a) OR THE PL	An applicant may not make a contribution to a member of the governing body ANNING COMMISSION during the pendency of the application.		
25 26 27		Except as provided in subsection (c) of this section, after an application has a member of the governing body OR THE PLANNING COMMISSION may not icipate in any way in the proceedings on the application if the member or the		

treasurer or political committee of the member received a contribution from the applicant



- 1 (3) All summary reports compiled under paragraph (2) of this subsection 2 shall be available to members of the public on written request.
- 3 (4) All [affidavits,] disclosures[,] and accompanying documentation 4 required under this part shall be in the form required by the Frederick County Ethics 5 Commission.
- 6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 7 October 1, 2017.