

HOUSE BILL 227

G2, L2

9lr0518

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

Introduced and read first time: January 23, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Ethics – Limitations on Applicant Campaign**
3 **Contributions**

4 **PG 404–19**

5 FOR the purpose of repealing a prohibition on an applicant or applicant's agent making a
6 payment to the County Executive of Prince George's County or a slate that includes
7 the County Executive during the pendency of a certain application; and generally
8 relating to public ethics and Prince George's County.

9 BY repealing and reenacting, without amendments,
10 Article – General Provisions
11 Section 5–833(c), (d), and (m)
12 Annotated Code of Maryland
13 (2014 Volume and 2018 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – General Provisions
16 Section 5–835(a)
17 Annotated Code of Maryland
18 (2014 Volume and 2018 Supplement)

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

21 **Article – General Provisions**

22 5–833.

23 (c) (1) “Applicant” means an individual or a business entity that is:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) a title owner or contract purchaser of land that is the subject of
2 an application;

3 (ii) a trustee that has an interest in land that is the subject of an
4 application, excluding a trustee described in a mortgage or deed of trust; or

5 (iii) a holder of at least a 5% interest in a business entity that has an
6 interest in land that is the subject of an application but only if:

7 1. the holder of at least a 5% interest has substantive
8 involvement in directing the affairs of the business entity with an interest in the land that
9 is the subject of an application with specific regard to the disposition of that land; or

10 2. the holder of at least a 5% interest is engaged in
11 substantive activities specifically pertaining to land development in Prince George's County
12 as a regular part of the business entity's ongoing business activities.

13 (2) "Applicant" includes:

14 (i) any business entity in which a person described in paragraph (1)
15 of this subsection holds at least a 5% interest; and

16 (ii) the directors and officers of a corporation that actually holds title
17 to the land, or is a contract purchaser of the land, that is the subject of an application.

18 (3) "Applicant" does not include:

19 (i) a financial institution that has loaned money or extended
20 financing for the acquisition, development, or construction of improvements on any land
21 that is the subject of an application;

22 (ii) a municipal corporation or public corporation;

23 (iii) a public authority;

24 (iv) a public utility regulated by the Public Service Commission in
25 any instance where the utility is engaged in or conducting regulated activities that have
26 been approved by the Public Service Commission or are allowed under Division I of the
27 Public Utilities Article; or

28 (v) the directors and officers of any entity that does not hold title to
29 the land, or is not the contract purchaser of the land, that is the subject of an application.

30 (d) "Application" means:

31 (1) an application for:

- 1 (i) a zoning map amendment;
- 2 (ii) a special exception;
- 3 (iii) a departure from design standards;
- 4 (iv) a revision to a special exception site plan;
- 5 (v) an expansion of a legal nonconforming use;
- 6 (vi) a revision to a legal nonconforming use site plan; or
- 7 (vii) a request for a variance from the zoning ordinance;

8 (2) an application to approve:

- 9 (i) a comprehensive design plan;
- 10 (ii) a conceptual site plan; or
- 11 (iii) a specific design plan; or

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

17 (m) "Payment" means a payment or contribution of money or property or the
18 incurring of a liability or promise of anything of value to a treasurer of a candidate, a
19 candidate's continuing political committee, or a slate to which the candidate belongs.

20 5-835.

21 (a) An applicant or agent of the applicant may not make a payment to a member
22 [or the County Executive], or a slate that includes a member [or the County Executive],
23 during the pendency of the application.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2019.