

SENATE BILL 627

G2, L2

11r2721

By: **Senator Miller**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Development and Ethics Reform Act of 2011**

3 FOR the purpose of specifying that the ethics provisions required to be enacted by
4 Prince George's County shall contain certain provisions; prohibiting a lobbyist
5 who is regulated under the ethics provisions of Prince George's County from
6 engaging in lobbying activities for contingent compensation; prohibiting the
7 Prince George's County government from issuing a credit card to an elected
8 county official; prohibiting an elected county official from soliciting certain
9 persons to enter into a business relationship with, or to provide anything of
10 value to, certain other persons; requiring that the Prince George's County Board
11 of Ethics be composed of a certain number of members and have an executive
12 director; requiring the county to provide for an ethics advisor who shall perform
13 certain duties; limiting the review by the district council of actions taken by the
14 planning board on certain site development plans to certain circumstances;
15 prohibiting a person from entering into any agreement for contingent
16 compensation; prohibiting certain elected county officials and their employees
17 and agents from recommending, suggesting, or proposing to any applicant for
18 development approval the inclusion of any individual, corporation, or other
19 entity in the applicant's project; prohibiting the county council, the district
20 council, and any council member from conditioning the approval of certain
21 development applications on certain requirements; providing for the
22 construction of a certain provision of this Act; and generally relating to
23 development and ethics reform in Prince George's County.

24 BY repealing and reenacting, with amendments,
25 Article 28 – Maryland–National Capital Park and Planning Commission
26 Section 8–101(b)
27 Annotated Code of Maryland
28 (2010 Replacement Volume)

29 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – State Government
 2 Section 15–807(d)
 3 Annotated Code of Maryland
 4 (2009 Replacement Volume and 2010 Supplement)

5 BY repealing and reenacting, without amendments,
 6 Article – State Government
 7 Section 15–808
 8 Annotated Code of Maryland
 9 (2009 Replacement Volume and 2010 Supplement)

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

12 **Article 28 – Maryland–National Capital Park and Planning Commission**

13 8–101.

14 (b) (1) In this subsection, the term “zoning classification of agricultural
 15 open space” means a zoning classification in which uses are limited to those
 16 permissible in the agricultural open space portion of an agricultural preservation
 17 development under § 27–445.01 of the Prince George’s County Code (1991 Edition, as
 18 amended).

19 (2) Except as otherwise provided in §§ 8–126 and 8–127 of this
 20 subtitle, each district council, respectively, in accordance with the conditions and
 21 procedures specified in this article, may by ordinance adopt and amend the text of the
 22 zoning ordinance and may by resolution or ordinance adopt and amend the map or
 23 maps accompanying the zoning ordinance text to regulate, in the portion of the
 24 regional district lying within its county, (i) the location, height, bulk, and size of
 25 buildings, other structures, and units therein, building lines, minimum frontages,
 26 depths and areas of lots, and percentages of lots which may be occupied; (ii) the size of
 27 lots, yards, courts, and other open spaces; (iii) the erection of temporary stands and
 28 structures; (iv) the density and distribution of population; (v) the location and uses of
 29 buildings and structures and units therein for trade, industry, residence, recreation,
 30 agriculture, public activities, and other purposes; and (vi) the uses of land, including
 31 surface, subsurface, and air rights therein, for building, trade, industry, residence,
 32 recreation, agriculture, forestry, or other purposes.

33 (3) (i) The powers granted by this subsection include the power to
 34 establish a program for the transfer of development rights.

35 (ii) The County Council for Prince George’s County, sitting as a
 36 district council, may, by ordinance, create a program for the purchase of development
 37 rights under Title 5, Subtitle 5 of this article.

38 (4) No regulation may prohibit the use of any land by the owner of
 39 such land or the holder of any easement or right therein or the owner’s or holder’s

1 tenant for farming, other agricultural uses exclusively, or within Prince George's
2 County, for the purposes of storing natural or artificial gas at a level below 500 feet
3 from the surface of the earth.

4 (5) The County Council for Montgomery County, sitting as a district
5 council, may not receive an application for a zoning map amendment upon the same
6 land which has been the subject of a previous zoning application for map amendment
7 filed after June 1, 1965, for the same zoning classification upon which there was a
8 decision on the merits unless 36 months have expired since the filing of the application
9 for the previous zoning map amendment upon which there was a decision on the
10 merits. Further, an application for a zoning map amendment filed with the County
11 Council for Montgomery County, sitting as a district council, shall set forth the names
12 of all persons having a substantial interest in the subject property of the application,
13 such substantial interest to include all those persons with a share in such property
14 amounting to five percent or more whether held in an individual or corporate capacity
15 of the full cash value of such property exclusive of all mortgages, deeds of trust, liens
16 and encumbrances. It shall also set forth the names of all contract purchasers and all
17 those persons holding a mortgage, a deed of trust, or an option to purchase the
18 property. However, the foregoing time limitation and name requirement do not apply
19 to applications filed by the district council or by the Commission.

20 (6) (I) THIS PARAGRAPH APPLIES ONLY IN PRINCE GEORGE'S
21 COUNTY.

22 (II) FOR THE PURPOSE OF CREATING A PUBLIC RECORD
23 AND A TRANSPARENT AND OPEN PROCESS, THE DISTRICT COUNCIL SHALL
24 REVIEW THE PLANNING BOARD'S ACTION ON SITE PLANS AND COMPREHENSIVE
25 AND SPECIFIC DESIGN PLANS ONLY IF THE APPLICANT OR ANOTHER PERSON OF
26 RECORD PETITIONS FOR THE REVIEW.

27 (III) A PERSON MAY NOT ENTER INTO ANY AGREEMENT TO
28 PROVIDE OR RECEIVE COMPENSATION OR ANYTHING OF VALUE THAT IS
29 DEPENDENT IN ANY MANNER ON THE OUTCOME OF ANY EXECUTIVE OR
30 LEGISLATIVE ACTION OF THE COUNTY GOVERNMENT.

31 (IV) A MEMBER OF THE DISTRICT COUNCIL OR THE COUNTY
32 COUNCIL, OR ANY EMPLOYEE OR AGENT OF THE DISTRICT COUNCIL OR COUNTY
33 COUNCIL, MAY NOT RECOMMEND, SUGGEST, OR PROPOSE TO ANY APPLICANT
34 FOR DEVELOPMENT ANY SPECIFIC INDIVIDUAL, CORPORATION, OR OTHER
35 ENTITY FOR INCLUSION IN THE APPLICANT'S PROJECT AS AN AGENT,
36 EMPLOYEE, VENDOR, CONTRACTOR, SUBCONTRACTOR, JOINT VENTURE
37 PARTNER, OR ANY OTHER PARTICIPANT IN THE PROJECT.

38 (V) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
39 SUBPARAGRAPH, THE COUNTY COUNCIL, THE DISTRICT COUNCIL, OR ANY

1 MEMBER OF THE COUNTY COUNCIL OR DISTRICT COUNCIL MAY NOT, DIRECTLY
 2 OR INDIRECTLY, CONDITION THE APPROVAL OF ANY APPLICATION FOR
 3 REZONING, SITE PLAN, WATER AND SEWER SYSTEM, OR PRELIMINARY PLAN OF
 4 SUBDIVISION ON A REQUIREMENT THAT THE APPLICANT PROVIDE MONETARY
 5 PAYMENTS OR ANYTHING OF VALUE TO ANY SPECIFIC INDIVIDUAL,
 6 ORGANIZATION, OR ENTITY.

7 **2. SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH**
 8 **MAY NOT BE CONSTRUED TO AFFECT ANY LAWFULLY ENACTED ADEQUATE**
 9 **PUBLIC FACILITIES REQUIREMENT, MINORITY BUSINESS REQUIREMENT, OR**
 10 **ANY OTHER REQUIREMENT OR CONDITION THE PURPOSE OF WHICH IS TO**
 11 **MITIGATE THE IMPACT OF A DEVELOPMENT ON THE PROPERTY OWNERS IN THE**
 12 **AREAS SURROUNDING THE DEVELOPMENT.**

13 **Article – State Government**

14 15–807.

15 (d) **(1) [In] THIS SUBSECTION APPLIES TO Prince George’s County[,**
 16 **“local].**

17 **(2) “LOCAL official” includes:**

18 **[(1)] (I) each member of the Board of License Commissioners;**

19 **[(2)] (II) the chief inspector and any other inspector of the Board of**
 20 **License Commissioners;**

21 **[(3)] (III) the administrator of the Board of License Commissioners;**
 22 **and**

23 **[(4)] (IV) the attorney to the Board of License Commissioners.**

24 **(3) THE LOBBYING PROVISIONS REQUIRED UNDER § 15–803 OF**
 25 **THIS SUBTITLE SHALL PROHIBIT A PERSON FROM BEING ENGAGED FOR**
 26 **LOBBYING PURPOSES FOR COMPENSATION THAT IS DEPENDENT IN ANY**
 27 **MANNER ON THE OUTCOME OF EXECUTIVE OR LEGISLATIVE ACTION BEFORE**
 28 **THE COUNTY GOVERNMENT.**

29 **(4) THE CONFLICT–OF–INTEREST PROVISIONS REQUIRED UNDER**
 30 **§ 15–803 OF THIS SUBTITLE:**

31 **(I) SHALL PROHIBIT THE COUNTY GOVERNMENT FROM**
 32 **ISSUING A CREDIT CARD TO AN ELECTED COUNTY OFFICIAL; AND**

1 **(II) SHALL PROHIBIT AN ELECTED COUNTY OFFICIAL FROM**
2 **DIRECTLY OR INDIRECTLY SOLICITING A PERSON TO ENTER INTO A BUSINESS**
3 **RELATIONSHIP WITH OR PROVIDE ANYTHING OF VALUE TO A SPECIFIC**
4 **INDIVIDUAL OR ENTITY, IF THE PERSON BEING SOLICITED IS SEEKING:**

5 **1. THE SUCCESS OR DEFEAT OF COUNTY**
6 **LEGISLATION;**

7 **2. A COUNTY CONTRACT; OR**

8 **3. ANY OTHER COUNTY BENEFIT.**

9 **(5) THE COUNTY'S ETHICS ENACTMENTS SHALL PROVIDE FOR:**

10 **(I) A COUNTY BOARD OF ETHICS COMPOSED OF SEVEN**
11 **MEMBERS;**

12 **(II) A FULL-TIME EXECUTIVE DIRECTOR OF THE BOARD OF**
13 **ETHICS; AND**

14 **(III) AN ETHICS ADVISOR WHO:**

15 **1. SHALL MEET INDIVIDUALLY WITH EACH ELECTED**
16 **OFFICIAL OF THE COUNTY, AT LEAST ANNUALLY, TO ADVISE THE OFFICIAL**
17 **REGARDING THE REQUIREMENTS OF ANY APPLICABLE ETHICS LAW, RULE, OR**
18 **STANDARD OF CONDUCT;**

19 **2. SHALL ASSIST EACH ELECTED OFFICIAL OF THE**
20 **COUNTY IN PREPARING ANY AFFIDAVIT OR OTHER DOCUMENT REQUIRED TO BE**
21 **FILED UNDER THE COUNTY'S ETHICS ENACTMENTS;**

22 **3. SHALL CONDUCT ETHICS-RELATED BRIEFINGS**
23 **FOR THE BENEFIT OF ELECTED OFFICIALS OF THE COUNTY; AND**

24 **4. MAY PROVIDE INFORMATION TO ANY PERSON**
25 **REGARDING LAWS, RULES, AND OTHER STANDARDS OF ETHICAL CONDUCT**
26 **APPLICABLE TO ELECTED OFFICIALS OF THE COUNTY.**

27 15-808.

28 (a) If the Ethics Commission determines that a county or municipal
29 corporation has not complied with the requirements of this Part I, the Ethics
30 Commission may petition a circuit court with venue over the proceeding for
31 appropriate relief to compel compliance.

1 (b) The circuit court may grant any available equitable relief.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 June 1, 2011.