

# HOUSE BILL 976

G2, L2

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CF SB 550

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By: **Frederick County Delegation**

Introduced and read first time: February 6, 2017

Assigned to: Environment and Transportation and Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Ethics Requirements and Campaign Activity Concerning**  
3 **the County Executive and County Council**

4 FOR the purpose of requiring certain nonelected members of certain boards and  
5 commissions for Frederick County to vacate office on becoming a candidate for a  
6 certain elected office; prohibiting a business entity, and a lawyer or lobbyist for the  
7 business entity, that has a pending bid or application before the Frederick County  
8 government from making a contribution, during a certain time period, to the County  
9 Executive or member of the County Council, or to certain candidates for those offices;  
10 requiring a campaign finance entity for the County Executive or member of the  
11 County Council, or a candidate for those offices, that receives a contribution  
12 exceeding a certain amount to disclose the contribution within a certain time period;  
13 requiring the State Board of Elections to report certain contributions for certain  
14 candidates to the Frederick County Ethics Commission; requiring the Frederick  
15 County Ethics Commission to make certain information concerning contributions to  
16 certain candidates available to the public in a timely manner; providing for the  
17 application of this Act; defining certain terms; and generally relating to ethics  
18 requirements and campaign activity concerning the Frederick County government.

19 BY repealing and reenacting, with amendments,

20 Article – General Provisions

21 The part designation “Part IX. Special Provisions for Frederick County – Planning  
22 and Zoning” immediately preceding Section 5–857

23 Annotated Code of Maryland

24 (2014 Volume and 2016 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article – General Provisions

27 Section 5–857

28 Annotated Code of Maryland

29 (2014 Volume and 2016 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – General Provisions  
3 Section 5–865 through 5–869 to be under the new part “Part X. Special Provisions  
4 for Frederick County – Ethics Requirements and Campaign Activity  
5 Concerning the County Executive and County Council”  
6 Annotated Code of Maryland  
7 (2014 Volume and 2016 Supplement)

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

10 **Article – General Provisions**

11 Part IX. Special Provisions for Frederick County – **PLANNING AND ZONING.**

12 5–857.

13 (a) In this part the following words have the meanings indicated.

14 (b) “Aggrieved party” means:

15 (1) a property owner whose property:

16 (i) adjoins, fronts, or is located near the subject property; or

17 (ii) is located within sight or sound of the subject property; or

18 (2) an individual located within the same subdivision as the subject  
19 property or who lives up to three–quarters of a mile by road or otherwise one–half mile  
20 away from the subject property.

21 (c) (1) “Applicant” means a person that is:

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

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

26 (iii) a holder of at least a 10% interest in land that is the subject of  
27 an application.

28 (2) “Applicant” includes a person who is an officer or a director of a  
29 corporation that actually holds title to the land, or is a contract purchaser of the land, that  
30 is the subject of an application.

1           (3) “Applicant” does not include:

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

5                   (ii) a municipal corporation or public corporation;

6                   (iii) a public authority;

7                   (iv) an electric company or electric supplier applying for a certificate  
8 of public convenience and necessity under § 7–207 or § 7–208 of the Public Utilities Article;  
9 or

10                  (v) a person who is hired or retained as an accountant, an attorney,  
11 an architect, an engineer, a land use consultant, an economic consultant, a real estate  
12 agent, a real estate broker, a traffic consultant, or a traffic engineer.

13           (d) “Application” means:

14                   (1) an application for a zoning map amendment as part of a piecemeal or  
15 floating zone rezoning proceeding;

16                   (2) a formal application for a comprehensive map planning change or  
17 zoning change during the county comprehensive land use plan update;

18                   (3) an application for a map amendment to the county water and sewerage  
19 plan;

20                   (4) a request made under § 4–416 of the Local Government Article for the  
21 governing body to approve the placement of annexed land in a zoning classification that  
22 allows a land use that is substantially different from the use for the land authorized in the  
23 zoning classification of the county applicable at the time of annexation; or

24                   (5) an application to create a district or an easement or any other interest  
25 in real property as part of an agricultural land preservation program.

26           (e) “Business entity” means:

27                   (1) a corporation;

28                   (2) a limited liability company;

29                   (3) a partnership; or

30                   (4) a sole proprietorship.

1 (f) "Candidate" means a candidate for County Executive or County Council who  
2 becomes an elected official.

3 (g) "Contribution" means a payment or transfer of money or property worth at  
4 least \$100, calculated cumulatively during the pendency of the application, to a candidate  
5 or a treasurer or political committee of a candidate.

6 (h) "Governing body" means the governing body of Frederick County.

7 (i) "Partnership" includes:

8 (1) a general partnership;

9 (2) a joint venture;

10 (3) a limited liability limited partnership;

11 (4) a limited liability partnership; or

12 (5) a limited partnership.

13 (j) "Party of record" means a person that participated in a proceeding on an  
14 application before the governing body by appearing at a public hearing or filing a statement  
15 in an official record.

16 (k) "Pendency of the application" means the time between the acceptance by the  
17 County Department of Planning and Zoning of a filing of an application and the earlier of:

18 (1) 2 years after the acceptance of the application; or

19 (2) the expiration of 30 days after:

20 (i) the governing body has taken final action on the application; or

21 (ii) the application is withdrawn.

22 (l) "Political committee" means a committee specifically created to promote the  
23 candidacy of a member of the governing body who is running for an elective office.

24 (m) "Treasurer" has the meaning stated in § 1-101 of the Election Law Article.

25 **5-863. RESERVED.**

26 **5-864. RESERVED.**

1           **PART X. SPECIAL PROVISIONS FOR FREDERICK COUNTY – ETHICS**  
2 **REQUIREMENTS AND CAMPAIGN ACTIVITY CONCERNING THE COUNTY EXECUTIVE**  
3 **AND COUNTY COUNCIL.**

4 **5–865.**

5           **(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS**  
6 **INDICATED.**

7           **(B) “BUSINESS ENTITY” INCLUDES A CORPORATION, A SOLE**  
8 **PROPRIETORSHIP, A GENERAL PARTNERSHIP, A LIMITED PARTNERSHIP, A LIMITED**  
9 **LIABILITY COMPANY, A REAL ESTATE INVESTMENT TRUST, AND ANY OTHER SIMILAR**  
10 **ENTITY.**

11           **(C) “CAMPAIGN FINANCE ENTITY” HAS THE MEANING INDICATED IN § 1–101**  
12 **OF THE ELECTION LAW ARTICLE.**

13           **(D) “CANDIDATE” HAS THE MEANING INDICATED IN § 1–101 OF THE**  
14 **ELECTION LAW ARTICLE.**

15           **(E) “CONTRIBUTION” HAS THE MEANING INDICATED IN § 1–101 OF THE**  
16 **ELECTION LAW ARTICLE.**

17           **(F) “STATE BOARD” MEANS THE STATE BOARD OF ELECTIONS.**

18 **5–866.**

19           **THIS PART APPLIES TO:**

20           **(1) THE COUNTY EXECUTIVE OF FREDERICK COUNTY AND A MEMBER**  
21 **OF THE FREDERICK COUNTY COUNCIL; AND**

22           **(2) A NONELECTED MEMBER OF A DECISION–MAKING BOARD OR**  
23 **COMMISSION FOR FREDERICK COUNTY.**

24 **5–867.**

25           **NO LATER THAN 48 HOURS AFTER BECOMING A CANDIDATE, A NONELECTED**  
26 **MEMBER OF A DECISION–MAKING BOARD OR COMMISSION FOR FREDERICK COUNTY**  
27 **SHALL VACATE THE POSITION ON THE COUNTY DECISION–MAKING BOARD OR**  
28 **COMMISSION.**

29 **5–868.**

1 IF A BUSINESS ENTITY HAS A BID OR AN APPLICATION PENDING BEFORE THE  
2 FREDERICK COUNTY GOVERNMENT:

3 (1) THE BUSINESS ENTITY MAY NOT MAKE A CONTRIBUTION TO:

4 (I) THE COUNTY EXECUTIVE OR A MEMBER OF THE COUNTY  
5 COUNCIL; OR

6 (II) A FORMER NONELECTED MEMBER OF A DECISION-MAKING  
7 BOARD OR COMMISSION FOR THE COUNTY WHO VACATES THE POSITION IN  
8 ACCORDANCE WITH § 5-867 OF THIS PART AND BECOMES A CANDIDATE; AND

9 (2) A PERSON WHO IS HIRED OR RETAINED AS AN ATTORNEY OR  
10 LOBBYIST BY THE BUSINESS ENTITY MAY NOT MAKE A CONTRIBUTION TO:

11 (I) THE COUNTY EXECUTIVE OR A MEMBER OF THE COUNTY  
12 COUNCIL; OR

13 (II) A FORMER NONELECTED MEMBER OF A DECISION-MAKING  
14 BOARD OR COMMISSION FOR THE COUNTY WHO VACATES THE POSITION IN  
15 ACCORDANCE WITH § 5-867 OF THIS PART AND BECOMES A CANDIDATE.

16 5-869.

17 (A) (1) WITHIN 24 HOURS AFTER THE RECEIPT OF A CONTRIBUTION OF  
18 \$500 OR MORE FROM ANY PERSON, THE CAMPAIGN FINANCE ENTITY FOR THE  
19 COUNTY EXECUTIVE OR A MEMBER OF THE COUNTY COUNCIL, OR THE CAMPAIGN  
20 FINANCE ENTITY FOR A FORMER NONELECTED MEMBER OF A DECISION-MAKING  
21 BOARD OR COMMISSION FOR THE COUNTY WHO VACATES THE POSITION IN  
22 ACCORDANCE WITH § 5-867 OF THIS PART, SHALL REPORT THE CONTRIBUTION TO  
23 THE STATE BOARD.

24 (2) WITHIN 24 HOURS AFTER RECEIPT OF A CONTRIBUTION OF ANY  
25 AMOUNT FROM AN INDIVIDUAL OR A BUSINESS ENTITY THAT IS EMPLOYED BY OR  
26 HAS A CONTRACT WITH THE COUNTY, THE CAMPAIGN FINANCE ENTITY FOR THE  
27 COUNTY EXECUTIVE OR A MEMBER OF THE COUNTY COUNCIL, OR THE CAMPAIGN  
28 FINANCE ENTITY FOR A FORMER NONELECTED MEMBER OF A DECISION-MAKING  
29 BOARD OR COMMISSION FOR THE COUNTY WHO VACATES THE POSITION IN  
30 ACCORDANCE WITH § 5-867 OF THIS PART, SHALL REPORT THE CONTRIBUTION TO  
31 THE STATE BOARD.

1           **(B) THE STATE BOARD SHALL PROMPTLY REPORT TO THE FREDERICK**  
2 **COUNTY ETHICS COMMISSION INFORMATION CONCERNING ALL CONTRIBUTIONS**  
3 **REPORTED TO THE STATE BOARD UNDER SUBSECTION (A) OF THIS SECTION.**

4           **(C) THE FREDERICK COUNTY ETHICS COMMISSION SHALL MAKE THE**  
5 **INFORMATION IT RECEIVES FROM THE STATE BOARD UNDER SUBSECTION (B) OF**  
6 **THIS SECTION AVAILABLE TO THE PUBLIC IN A TIMELY MANNER.**

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2017.