

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 227
Ways and Means

(Prince George's County Delegation)

Education, Health, and Environmental Affairs

Prince George's County – Ethics – Limitations on Applicant Campaign
Contributions PG 404–19

This bill removes a prohibition against an individual or business entity with an interest in, or specified connection to, land which is the subject of an application for a land use decision in Prince George's County from making a campaign contribution to the county executive, or a slate that includes the county executive, during the pendency of the application.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: Prince George's County did not respond to a request for information regarding the potential fiscal impact of the bill. Even so, the bill is not expected to directly affect Prince George's County finances.

Small Business Effect: None.

Analysis

Current Law: An “applicant” or agent of the applicant may not make a payment to a member (a candidate for, or member of, the county council for Prince George's County), the county executive of Prince George's County, or a slate that includes a member or the county executive, during the pendency of the application.

“Payment” means a payment or contribution of money or property or the incurring of a liability or promise of anything of value to a treasurer of a candidate, a candidate's continuing political committee, or a slate to which the candidate belongs.

“Application” means:

- an application for (1) a zoning map amendment; (2) a special exception; (3) a departure from design standards; (4) a revision to a special exception site plan; (5) an expansion of a legal nonconforming use; (6) a revision to a legal nonconforming use site plan; or (7) a request for a variance from the zoning ordinance;
- an application to approve (1) a comprehensive design plan; (2) a conceptual site plan; or (3) a specific design plan; or
- participation in adopting and approving an area master plan or sectional map amendment by appearance at a public hearing, filing a statement in the official record, or other similar communication to a member of the county council or the planning board, where the intent is to intensify the zoning category applicable to the land of the applicant.

“Applicant” means an individual or a business entity that is:

- a title owner or contract purchaser of land that is the subject of an application;
- a trustee that has an interest in land that is the subject of an application, excluding a trustee described in a mortgage or deed of trust; or
- a holder of at least a 5% interest in a business entity that has an interest in land that is the subject of an application but only if (1) the holder of at least a 5% interest has substantive involvement in directing the affairs of the business entity with an interest in the land that is the subject of an application with specific regard to the disposition of that land or (2) the holder of at least a 5% interest is engaged in substantive activities specifically pertaining to land development in Prince George’s County as a regular part of the business entity’s ongoing business activities.

Statute further specifies certain categories of individuals and entities that are included in, or excluded from, the definition of “applicant.”

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Board of Elections; Judiciary (Administrative Office of the Courts); State Ethics Commission; Department of Legislative Services

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