

~~SECTION 10. AND BE IT FURTHER ENACTED, That subject to the provisions of Sections 8 and 9 of this Act, Sections 1 through 5 of this Act shall take effect October 1, 2003. They shall remain effective until the taking effect of Sections 6 and 7 of this Act. If Sections 6 and 7 of this Act take effect, Sections 1 through 5 shall be abrogated and of no further force and effect.~~

May 21, 2003

The Honorable Michael E. Busch  
Speaker of the House  
State House  
Annapolis, Maryland 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 633 – Frederick County Commissioners – Zoning and Planning – Public Ethics.

House Bill 633 establishes new requirements relating to planning and zoning proceedings in Frederick County. Specifically, applicants with certain matters pending before the planning and zoning commissioners would be prohibited from making campaign contributions to successful candidates to the Frederick County Board of County Commissioners during the pendency of the application. The bill also requires that any ex parte communications between an applicant and a county commissioner concerning a pending application be disclosed. Enforcement of these local matters is given to the State Ethics Commission. Moreover, the bill provides for criminal penalties for any violation of these requirements that result in a conviction.

The intention behind House Bill 633 is to reassure the public about the integrity of the process for review and voting on planning and zoning decisions in Frederick County and that the process is free of undue influence from political contributions. I support this goal, but believe that this legislation is overbroad and creates a system that imposes an unrealistic mandate on a candidate's campaign treasurer. Under our State's election laws, the campaign treasurer is the one solely responsible for the control of contributions. These volunteer treasurers will be subject to criminal sanctions if they accept contributions from applicants (that could include members of a limited liability company, partners or limited partners of a partnership, a stockholder of a 10% or greater interest of a private or public corporation, or an officer or director of a corporation) with pending applications when there is no public record that lists the names of these individuals. This places an undue burden on a campaign treasurer and county commissioner candidate.

Fortunately, the bill has a delayed effective date of June 1, 2004. My veto will allow the Frederick County delegation to review these matters over the interim and introduce new legislation during the 2004 legislative session to address these deficiencies in a new bill that can have the same effective date as this legislation.

For the above stated reasons, I have vetoed House Bill 633.

Sincerely,