

# HOUSE BILL 1317

A2

EMERGENCY BILL  
**ENROLLED BILL**

(7lr2664)

— *Economic Matters/ Education, Health, and Environmental Affairs* —

Introduced by **Prince George’s County Delegation**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o’clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Prince George’s County Delegation – Appointment of Board of License**  
3 **~~Commissioners~~ Alcoholic Beverages Regulation Reform Act of 2017**

4 PG 310-17

5 FOR the purpose of ~~repealing the requirement that~~ requiring the County Executive for  
6 Prince George’s County, instead of the Governor, to appoint all of the members of to  
7 the Board of License Commissioners for Prince George’s County; requiring the  
8 County Executive to make the appointments, to be made subject to confirmation by  
9 the ~~Prince George’s County Council~~ Senate; requiring a confirmation hearing before  
10 the Prince George’s County ~~Council~~ Senate Delegation to be held within a certain  
11 time; requiring members of the Board to have a certain type of experience; repealing  
12 certain appointment procedures for members of the Board; requiring the County  
13 Executive to consider the need for certain types of diversity when evaluating an  
14 applicant for membership on the Board; prohibiting a member of the Board from

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/ conference committee amendments.*



1 soliciting or receiving certain benefits; prohibiting certain individuals from soliciting  
2 or receiving certain benefits from certain individuals; prohibiting a member of the  
3 Board from being appointed to more than a certain number of terms; requiring the  
4 County Executive, rather than the Governor, to ~~make an appointment~~ appoint an  
5 eligible individual to fill a vacancy under certain circumstances; providing that a  
6 vacancy appointment is subject to a certain confirmation hearing; authorizing the  
7 County Executive ~~rather than the Governor~~ to remove a member under certain  
8 ~~conditions~~ *circumstances*; ~~requiring a certain certification letter to be addressed to~~  
9 ~~the County Executive rather than the Governor~~; requiring the County Executive  
10 rather than the Governor to appoint the chair of the Board; repealing a provision of  
11 law prohibiting the County Executive and *the* County Council from adopting a  
12 certain policy; ~~authorizing the Board to set the compensation of the Board employees~~  
13 ~~in accordance with the county's classification plan; replacing the position of Board~~  
14 ~~administrator with the position of executive director of the Board; requiring the~~  
15 ~~County Executive to appoint the executive director, subject to confirmation by the~~  
16 ~~County Council; providing for the salary of the executive director; allowing the~~  
17 ~~executive director to participate in the county's supplemental retirement plan;~~  
18 ~~requiring that the attorney whom the Board appoints shall receive an amount as~~  
19 ~~specified in the county budget; repealing certain provisions of law regarding the~~  
20 ~~compensation of the attorney; requiring that an employee of the Board be subject to~~  
21 ~~the county ethics laws; specifying that the expenses of the Board be contained in the~~  
22 ~~county budget; repealing certain provisions of law regarding the payment of certain~~  
23 ~~expenses; altering the number of full-time inspectors and the number of part-time~~  
24 ~~inspectors; altering the salary of a part-time inspector; providing that the terms of~~  
25 ~~office of the members of the Board or successor members who are in office as of the~~  
26 ~~effective date of this Act shall terminate on a certain date; providing for staggered~~  
27 ~~terms of office for members appointed after a certain date~~ requiring the Board to  
28 appoint a director, rather than an administrator; altering certain provisions relating  
29 to the salary and expenses of certain members and employees of the Board; altering  
30 the number of full-time and part-time inspectors of the Board; authorizing, except  
31 under certain circumstances, certain individuals to hold certain employment;  
32 providing that a member of the Board is subject to the same restrictions on earned  
33 income as certain individuals are under a certain provision of law; ~~authorizing the~~  
34 ~~Prince George's County Board of Ethics to exempt a member of the Board from the~~  
35 ~~restriction on earned income; requiring certain individuals to comply with certain~~  
36 ~~public ethics laws; requiring that certain financial disclosure provisions for the~~  
37 ~~Board be equivalent to or exceed the requirements of a certain provision of law;~~  
38 providing that the members, employees, and inspectors of the Board are subject to  
39 certain public ethics laws to the same extent as certain local officials; authorizing a  
40 person to file a complaint with the county's Office of Ethics and Accountability under  
41 certain circumstances; requiring the Office of ~~Ethics and Accountability~~  
42 certain action if a complaint is filed; requiring ~~that~~ the Office of Legislative Audits  
43 *to* conduct a certain audit of the Board and focus on certain matters; ~~authorizing the~~  
44 employees and authorized representatives of the Office of Legislative Audits to have  
45 access to certain records for a certain purpose; exempting certain audit reports from  
46 the requirement that the Legislative Auditor send copies of audit reports to certain  
47 individuals; requiring ~~that~~ certain audit reports *to* be sent to certain persons;

1 ~~providing for the termination of certain terms of office~~ *requiring certain audit reports*  
2 *to be sent to certain persons; providing that the terms of office of the members of the*  
3 *Board or successor members who are in office as of the effective date of this Act shall*  
4 *terminate as of the effective date of this Act; requiring the County Executive to employ*  
5 *an outside professional consultant to review certain standard operating procedures,*  
6 *make a certain comparison, and recommend certain changes; making conforming*  
7 *changes; defining a certain term; altering a certain definition; making this Act an*  
8 emergency measure; and generally relating to the Board of License Commissioners  
9 for Prince George's County.

10 BY repealing and reenacting, without amendments,

11 Article – Alcoholic Beverages

12 Section 26–102

13 Annotated Code of Maryland

14 (2016 Volume and 2016 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article – Alcoholic Beverages

17 Section 26–202 through 26–206

18 Annotated Code of Maryland

19 (2016 Volume and 2016 Supplement)

20 BY adding to

21 Article – Alcoholic Beverages

22 Section 26–206.1 and 26–209

23 Annotated Code of Maryland

24 (2016 Volume and 2016 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article – General Provisions

27 Section 5–809(a)

28 Annotated Code of Maryland

29 (2014 Volume and 2016 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article – General Provisions

32 Section 5–809(b)

33 Annotated Code of Maryland

34 (2014 Volume and 2016 Supplement)

35 BY adding to

36 Article – State Government

37 Section 2–1220(g)

38 Annotated Code of Maryland

39 (2014 Replacement Volume and 2016 Supplement)

40 BY repealing and reenacting, with amendments,

1 Article – State Government  
 2 Section 2–1223(a) and 2–1224(a), (d), and (e)  
 3 Annotated Code of Maryland  
 4 (2014 Replacement Volume and 2016 Supplement)

5 BY repealing and reenacting, without amendments,  
 6 Article – State Government  
 7 Section 2–1224(b) and (c)  
 8 Annotated Code of Maryland  
 9 (2014 Replacement Volume and 2016 Supplement)

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

12 **Article – Alcoholic Beverages**

13 26–102.

14 This title applies only in Prince George’s County.

15 26–202.

16 (a) ~~¶(1)~~ The [Governor] COUNTY EXECUTIVE shall appoint five members to  
 17 the Board SUBJECT TO CONFIRMATION BY THE ~~COUNTY COUNCIL~~ SENATE.

18 ~~¶(2) The appointments shall be made:~~

19 ~~(i) if the Senate is in session, with the advice and consent of the~~  
 20 ~~Senate; or~~

21 ~~(ii) if the Senate is not in session, by the Governor alone~~

22 (I) WITHIN 60 DAYS AFTER NOMINATION BY THE COUNTY  
 23 EXECUTIVE, AND NOT LESS THAN 7 DAYS BEFORE A CONFIRMATION VOTE ON A  
 24 NOMINEE IS SCHEDULED, THE ~~COUNTY COUNCIL~~ PRINCE GEORGE’S COUNTY  
 25 SENATE DELEGATION SHALL HOLD A PUBLIC CONFIRMATION HEARING FOR AN  
 26 INDIVIDUAL NOMINATED TO THE BOARD.

27 (II) ~~IF THE COUNTY COUNCIL DOES NOT HOLD A PUBLIC~~  
 28 ~~HEARING AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE NOMINEE~~  
 29 ~~SHALL BECOME A MEMBER OF THE BOARD~~ IF A CANDIDATE IS NOMINATED FOR THE  
 30 BOARD AND IS NOT CONFIRMED BY THE SENATE DURING THE FOLLOWING SESSION:

31 1. THE SEAT SHALL BE DECLARED VACANT; AND



1                   **(II) PUBLIC SAFETY EXPERIENCE;**

2                   **(III) REGULATORY EXPERIENCE; OR**

3                   **(IV) ~~BUSINESS~~ MANAGEMENT EXPERIENCE.**

4                   **(3) WHEN EVALUATING AN APPLICANT FOR MEMBERSHIP ON THE**  
 5 **BOARD, THE COUNTY EXECUTIVE SHALL CONSIDER THE NEED FOR GEOGRAPHIC,**  
 6 **POLITICAL, RACIAL, ETHNIC, AND GENDER DIVERSITY ON THE BOARD.**

7           (c)   (1)   In this subsection, "direct or indirect interest" means an interest that  
 8 is proprietary or obtained by a loan, mortgage, or lien, or in any other manner.

9                   (2)   A member of the Board may not:

10                           (i)   have a direct or indirect interest in or on a premises in the State  
 11 where alcoholic beverages are manufactured or sold;

12                           (ii)   have a direct or indirect interest in a business wholly or partly  
 13 devoted to the manufacture or sale of alcoholic beverages in the State;

14                           (iii)   own stock in:

15   1.   a corporation that has a direct or indirect interest in a  
 16 premises in the State where alcoholic beverages are manufactured or sold; or

17   2.   a business wholly or partly devoted to the manufacture or  
 18 sale of alcoholic beverages in the State; ~~or~~

19                           (iv)   solicit or receive a commission, remuneration, or gift from:

20   1.   a person engaged in the manufacture or sale of alcoholic  
 21 beverages or an agent or employee of the person; or

22   2.   a license holder;

23                   **(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY OR ON**  
 24 **BEHALF OF ANOTHER PERSON, A COMMISSION, POLITICAL CONTRIBUTION,**  
 25 **REMUNERATION, OR GIFT FROM A PERSON ENGAGED IN THE MANUFACTURE,**  
 26 **DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF**  
 27 **THE PERSON; OR**

28                   **(VI) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A**  
 29 **COMMISSION, REMUNERATION, OR GIFT FROM A LICENSE HOLDER.**

1 (d) (1) In this subsection, “candidate”, “contribution”, and “political  
2 committee” have the meanings stated in § 1–101 of the Election Law Article.

3 (2) A member of the Board may not solicit or transmit a contribution for  
4 the benefit of a candidate or political committee from:

5 (i) a person engaged in the sale of alcoholic beverages in the county  
6 or an agent or employee of the person; or

7 (ii) a license holder.

8 (e) (1) The term of a member is 3 years.

9 (2) The terms of the members are staggered ~~as~~ required by the terms  
10 provided for members of the Board on July 1, 2016~~†~~.

11 **(3) A MEMBER MAY NOT BE APPOINTED TO MORE THAN THREE**  
12 **TERMS.**

13 (f) (1) The [Governor] **COUNTY EXECUTIVE** shall appoint an eligible  
14 individual to fill a vacancy during the remainder of the term of office of the individual  
15 originally appointed in accordance with subsection (a) of this section.

16 (2) A member who is appointed after a term has begun serves only for the  
17 rest of the term and until a successor is appointed and qualifies.

18 **(3) AN APPOINTMENT MADE TO FILL A VACANCY IS SUBJECT TO A**  
19 **CONFIRMATION HEARING BY THE ~~COUNTY COUNCIL~~ SENATE UNDER SUBSECTION**  
20 **(A) OF THIS SECTION.**

21 (g) [(1)] The [Governor] **COUNTY EXECUTIVE** may remove a member for  
22 misconduct in office, incompetence, or willful neglect of duty.

23 ~~†~~(2) The ~~Governor~~ **COUNTY EXECUTIVE** shall give a member who is  
24 charged a copy of the charges against the member and, with at least 10 days’ notice, an  
25 opportunity to be heard publicly in person or by counsel.

26 (3) If a member is removed, the ~~Governor~~ **COUNTY EXECUTIVE** shall file  
27 with the Office of the Secretary of State a statement of charges against the member and  
28 the ~~Governor’s~~ **COUNTY EXECUTIVE’S** findings on the charges.~~†~~

29 (h) (1) If a member of the Board stops residing in or being a registered voter of  
30 the county, the member shall immediately forfeit the office as a license commissioner for  
31 the county.

1 (2) (i) A member of the Board may not serve in any other position of  
2 public office.

3 (ii) On filing a certificate of candidacy for election to a public office  
4 or within 30 days before the filing deadline for the primary election for the public office  
5 sought, whichever occurs later, a member of the Board shall certify to the County Board of  
6 Elections under oath that the individual is no longer a member of the Board.

7 (iii) The certification shall be accompanied by a letter addressed to  
8 the [Governor] COUNTY EXECUTIVE containing the resignation of the member from the  
9 Board.

10 26–203.

11 In making the appointments, the [Governor] COUNTY EXECUTIVE shall designate  
12 a chair from among the members of the Board.

13 26–204.

14 (a) The Board shall meet at least twice each month.

15 (b) (1) (i) The chair of the Board shall receive a salary of \$22,000 annually.

16 (ii) Each other member of the Board shall receive a salary of \$20,000  
17 annually.

18 (2) The chair and each other member of the Board are eligible for:

19 (i) all county health benefits; and

20 (ii) membership in and retirement benefits of the State Retirement  
21 and Pension System.

22 (3) The health benefits under paragraph (2)(i) of this subsection include  
23 hospitalization, vision care, prescriptions, dental care, life insurance, and expense  
24 reimbursement.

25 [(4) The County Executive and County Council may not adopt through  
26 public local law a policy contrary to paragraph (2) of this subsection.]

27 26–205.

28 (a) Subject to this section and § 26–206 of this subtitle, the ~~Board~~ **DIRECTOR**  
29 may:

30 (1) employ:



- 1 (i) a secretary;
- 2 (ii) inspectors; and
- 3 (iii) clerical and other assistants as are necessary; and

4 (2) set the compensation of the employees **IN ACCORDANCE WITH THE**  
5 **COUNTY'S CLASSIFICATION PLAN.**

6 (b) (1) The ~~{Board} COUNTY EXECUTIVE~~ shall appoint ~~an~~ **A** [administrator]  
7 ~~EXECUTIVE DIRECTOR, SUBJECT TO CONFIRMATION BY THE COUNTY COUNCIL.~~

8 (2) The [administrator] ~~EXECUTIVE DIRECTOR~~ shall serve at the will of  
9 the ~~{Board} COUNTY EXECUTIVE~~ and devote full time to the duties of the Board.

10 (3) The [administrator may] ~~EXECUTIVE DIRECTOR SHALL~~ **MAY** receive  
11 a salary [of \$40,705 annually] as determined by the [Board after a performance evaluation]  
12 **COUNTY EXECUTIVE AND AS PROVIDED IN THE COUNTY BUDGET.**

13 (4) ~~(i)~~ The [administrator] ~~EXECUTIVE DIRECTOR~~ is eligible to  
14 participate in the county's supplemental retirement plan.

15 ~~(ii) The County Executive and County Council may not adopt~~  
16 ~~through public local law a policy contrary to subparagraph (i) of this paragraph.~~

17 **(5) THE DIRECTOR SHALL FOLLOW THE REQUIREMENTS OF**  
18 **SUBTITLE 16 OF THE PRINCE GEORGE'S COUNTY CODE WHILE HIRING ANY**  
19 **EMPLOYEES UNDER SUBSECTION (A) OF THIS SECTION.**

20 (c) **[(1)]** The Board shall appoint an attorney who shall [serve at the will of the  
21 Board] **RECEIVE A SALARY AS PROVIDED IN THE COUNTY BUDGET.**

22 **[(2)]** The County Council shall pay the attorney:

- 23 (i) a salary of \$18,500 annually;
- 24 (ii) all court costs and expenses incurred while performing the duties  
25 of attorney; and
- 26 (iii) legal fees that the Board approves for representing the Board in  
27 court.

28 (3) The Board shall establish the fee rate for representing the Board in  
29 court.

1 (4) The attorney is eligible for:

2 (i) all county health benefits, including hospitalization, vision care,  
3 prescriptions, dental care, life insurance, and expense reimbursement; and

4 (ii) membership in and retirement benefits of the State Retirement  
5 and Pension System.

6 (5) The County Executive and County Council may not adopt through  
7 public local law a policy contrary to paragraph (4) of this subsection.]

8 (d) (1) The restrictions under § 26–202(c) and (d) of this subtitle regarding  
9 direct and indirect interests of members of the Board in alcoholic beverages activities and  
10 soliciting or transmitting political contributions for the benefit of a candidate or political  
11 committee apply to employees of the Board.

12 (2) An employee of the Board:

13 (i) shall devote full time to the business of the Board during the  
14 hours designated by the Board for the performance of the employee's official duties;

15 (ii) may not engage in an occupation, business, or profession  
16 connected to or associated with the manufacture or sale of alcoholic beverages; and

17 (iii) may not transact business beyond the employee's official duties:

18 1. with a license holder; or

19 2. in connection with the operation of an establishment  
20 licensed for the manufacture or sale of alcoholic beverages.

21 (3) An employee of the Board who violates this section shall be removed.

22 ~~(4) AN EMPLOYEE OF THE BOARD IS SUBJECT TO THE COUNTY~~  
23 ~~ETHICS LAWS.~~

24 (e) (1) [Subject to paragraph (3) of this subsection, on] **ON** the submission by  
25 the Board of an annual budget, the County Council shall pay for all expenses of the Board  
26 **AS CONTAINED IN THE COUNTY BUDGET.**

27 (2) In the budget, the salaries of the members [and the attorney for the  
28 Board and any additional compensation for legal fees for the attorney] shall be as set forth  
29 under [subsection (c) of this section and §§ 26–204 and 26–206(g)] **§ 26–204** of this subtitle.

1            [(3) (i) Except as provided in § 26–206(g) of this subtitle, payments for  
2 all other expenses shall be at the discretion of the County Council, including:

3                            1. the salary of the administrator under subsection (b)(3) of  
4 this section;

5                            2. compensation of other personnel, who shall be qualified  
6 and employed under the county merit system;

7                            3. printing;

8                            4. supplies; and

9                            5. office space.

10                          (ii) The County Executive and the County Council shall recognize  
11 and categorize the Board as a public safety agency for budgetary purposes.

12                          (iii) The County Council may include in the budget an amount not to  
13 exceed \$50,000 for the purpose of maintaining software and mobile devices used to  
14 modernize practices and increase the efficiency and transparency of the Board.]

15 26–206.

16            (a) The ~~Board~~ **DIRECTOR** shall appoint all of ~~its~~ **THE BOARD'S** inspectors.

17            (b) An inspector:

18                          (1) has all the powers of a peace officer or sheriff in the State arising out of  
19 or relating to the enforcement of this article;

20                          (2) may issue a civil citation under § 26–2603 of this title; and

21                          (3) has the authority to order that an unlicensed establishment be closed  
22 immediately under § 26–2501 of this title.

23            (c) An inspector shall:

24                          (1) visit and inspect periodically every licensed premises; and

25                          (2) carry out other duties that the Board requires.

26            (d) Inspectors are subject to the restrictions under:

27                          (1) § 26–202(c) and (d) of this subtitle regarding direct and indirect  
28 interests of members of the Board in alcoholic beverages activities and soliciting or

1 transmitting political contributions for the benefit of a candidate or political committee;  
2 and

3 (2) § 26–205(d) of this subtitle requiring an employee to devote full time to  
4 the business of the Board, prohibiting certain activities, and requiring removal for violation  
5 of those requirements and prohibitions.

6 (e) An inspector shall take the oath required by Article I, § 9 of the Maryland  
7 Constitution.

8 (f) (1) There are ~~UP TO three~~ ~~TWO~~ full-time inspectors and ~~UP TO 24~~ ~~NOT~~  
9 ~~MORE THAN 16~~ part-time inspectors of the Board **AS PROVIDED IN THE COUNTY**  
10 **BUDGET.**

11 (2) To be a full-time or part-time inspector, an individual shall be a  
12 resident of the county.

13 (3) (i) From the full-time inspectors, the Board shall designate  
14 annually a chief inspector and ~~two~~ ~~ONE~~ deputy chief ~~inspectors~~ **INSPECTOR.**

15 (ii) Under the direction of the Board, the chief inspector shall  
16 regulate the duties, hours, and assignments of the inspectors.

17 (4) The full-time inspectors who are certified by the personnel director as  
18 meeting the standards that the county merit board sets out are included in the county merit  
19 system.

20 (g) A part-time inspector shall receive ~~the~~ ~~THE~~ salary [of \$13,900 annually]  
21 **THAT IS AS PROVIDED IN THE COUNTY BUDGET.**

22 **26–206.1.**

23 **(A) IN THIS SECTION, “DIRECT OR INDIRECT INTEREST” MEANS AN**  
24 **INTEREST THAT IS:**

25 **(1) PROPRIETARY;**

26 **(2) OBTAINED BY A LOAN, MORTGAGE, OR LIEN OR IN ANY OTHER**  
27 **MANNER; OR**

28 **(3) BENEFICIALLY OWNED THROUGH AN INVESTMENT VEHICLE,**  
29 **ESTATE, TRUST, OR OTHER INTERMEDIARY WHEN THE BENEFICIARY DOES NOT**  
30 **CONTROL THE INTERMEDIARY OR MAY SUPERVISE OR PARTICIPATE IN THE**  
31 **INTERMEDIARY’S INVESTMENT DECISIONS.**

1        ~~(B)~~ (1) A MEMBER OF THE BOARD IS SUBJECT TO THE RESTRICTIONS ON  
2 EARNED INCOME THAT A FILED CANDIDATE FOR ELECTION TO THE GENERAL  
3 ASSEMBLY, A MEMBER-ELECT OF THE GENERAL ASSEMBLY, AND A MEMBER OF THE  
4 GENERAL ASSEMBLY ARE SUBJECT TO UNDER § 5-514(A)(1) OF THE GENERAL  
5 PROVISIONS ARTICLE.

6        (2) THE PRINCE GEORGE'S COUNTY BOARD OF ETHICS MAY EXEMPT  
7 A MEMBER OF THE BOARD FROM THE PROVISIONS OF PARAGRAPH (1) OF THIS  
8 SUBSECTION IN THE SAME MANNER THAT THE JOINT ETHICS COMMITTEE MAY  
9 EXEMPT AN INDIVIDUAL FROM § 5-514(A)(1) OF THE GENERAL PROVISIONS  
10 ARTICLE.

11        ~~(C)~~ (B) AN ACTION OF A MEMBER, AN INSPECTOR, OR AN EMPLOYEE OF  
12 THE BOARD IS SUBJECT TO STATE REQUIREMENTS OF THE PUBLIC INFORMATION  
13 ACT UNDER TITLE 3 4 OF THE GENERAL PROVISIONS ARTICLE.

14 26-209.

15        (A) ALL MEMBERS, EMPLOYEES, AND INSPECTORS OF THE BOARD ARE  
16 SUBJECT TO THE COUNTY'S PUBLIC ETHICS LAWS ENACTED UNDER § 5-807 OF THE  
17 GENERAL PROVISIONS ARTICLE TO THE SAME EXTENT AS A LOCAL OFFICIAL OF THE  
18 COUNTY.

19        (B) (1) A PERSON MAY FILE A COMPLAINT WITH THE COUNTY'S OFFICE  
20 OF ETHICS AND ACCOUNTABILITY IF THE PERSON BELIEVES THAT A MEMBER, AN  
21 EMPLOYEE, OR AN INSPECTOR OF THE BOARD HAS VIOLATED:

22                (I) ANY PROVISION OF CIVIL OR CRIMINAL LAW, INCLUDING  
23 LAWS AGAINST BRIBERY, IN CONNECTION WITH THE PERFORMANCE OF THE DUTIES  
24 OF THE MEMBER, EMPLOYEE, OR INSPECTOR; OR

25                (II) ANY PROVISION OF THE COUNTY'S PUBLIC ETHICS LAWS.

26        (2) IF A COMPLAINT IS FILED UNDER PARAGRAPH (1) OF THIS  
27 SUBSECTION, THE COUNTY'S OFFICE OF ETHICS AND ACCOUNTABILITY SHALL:

28                (I) INVESTIGATE THE COMPLAINT; AND

29                (II) IF APPROPRIATE, REFER THE COMPLAINT TO THE STATE'S  
30 ATTORNEY OF THE COUNTY FOR CRIMINAL PROSECUTION.

31                                Article – General Provisions

32 5-809.

1 (a) In this section, “local official” includes an individual who is designated as a  
 2 local official and whose position is funded wholly or partly by the State.

3 (b) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of this  
 4 subsection and subsection (c) of this section, the financial disclosure provisions enacted by  
 5 a county or municipal corporation under § 5–807 of this subtitle:

6 (i) shall be similar to the provisions of Subtitle 6 of this title; but

7 (ii) in accordance with regulations adopted by the Ethics  
 8 Commission and consistent with the intent of this title, may be modified to the extent  
 9 necessary to make the provisions relevant to the prevention of conflicts of interest in that  
 10 jurisdiction.

11 (2) The financial disclosure provisions for elected local officials enacted by  
 12 a county or municipal corporation under § 5–807 of this subtitle:

13 (i) shall be equivalent to or exceed the requirements of Subtitle 6 of  
 14 this title; but

15 (ii) in accordance with regulations adopted by the Ethics  
 16 Commission and consistent with the intent of this title, may be modified to the extent  
 17 necessary to make the provisions relevant to the prevention of conflicts of interest in that  
 18 jurisdiction.

19 **(3) THE FINANCIAL DISCLOSURE PROVISIONS FOR MEMBERS OF THE**  
 20 **BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY ENACTED BY**  
 21 **PRINCE GEORGE’S COUNTY UNDER § 5–807 OF THIS SUBTITLE SHALL BE**  
 22 **EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 6 OF THIS TITLE.**

23 **Article – State Government**

24 2–1220.

25 **(G) (1) BEGINNING ON JULY 1, 2017, AND AT LEAST ONCE EVERY 3 YEARS**  
 26 **THEREAFTER, THE OFFICE OF LEGISLATIVE AUDITS SHALL CONDUCT A**  
 27 **PERFORMANCE AUDIT OF THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE**  
 28 **GEORGE’S COUNTY TO EVALUATE THE EFFECTIVENESS AND EFFICIENCY OF THE**  
 29 **MANAGEMENT PRACTICES OF THE BOARD AND OF THE ECONOMY WITH WHICH THE**  
 30 **BOARD USES RESOURCES.**

31 **(2) THE PERFORMANCE AUDIT SHALL FOCUS ON OPERATIONS**  
 32 **RELATING TO LIQUOR INSPECTIONS, LICENSING, DISCIPLINARY PROCEDURES, AND**  
 33 **MANAGEMENT OVERSIGHT.**

1 2-1223.

2 (a) (1) Except as prohibited by the federal Internal Revenue Code, during an  
3 examination, the employees or authorized representatives of the Office of Legislative  
4 Audits shall have access to and may inspect the records, including those that are  
5 confidential by law, of any unit of the State government or of a person or other body  
6 receiving State funds, with respect to any matter under the jurisdiction of the Office of  
7 Legislative Audits.

8 (2) In conjunction with an examination authorized under this subtitle, the  
9 access required by paragraph (1) of this subsection shall include the records of contractors  
10 and subcontractors that perform work under State contracts.

11 (3) The employees or authorized representatives of the Office of Legislative  
12 Audits shall have access to and may inspect the records, including those that are  
13 confidential by law, of:

14 (i) any local school system to perform the audits authorized under §  
15 2-1220 of this subtitle or in accordance with a request for information as provided in §  
16 5-114(d) of the Education Article; [and]

17 (ii) the Board of Liquor License Commissioners for Baltimore City to  
18 perform the audits authorized under § 2-1220(f) of this subtitle; AND

19 (iii) THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE  
20 GEORGE'S COUNTY TO PERFORM THE AUDITS AUTHORIZED UNDER § 2-1220(G) OF  
21 THIS SUBTITLE.

22 2-1224.

23 (a) In this section, "unit" includes:

24 (1) the Board of Liquor License Commissioners for Baltimore City; AND

25 (2) THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE  
26 GEORGE'S COUNTY.

27 (b) Except with the written approval of the Legislative Auditor, an employee or  
28 authorized representative of the Office of Legislative Audits shall submit any report of  
29 findings only to the Legislative Auditor.

30 (c) (1) On the completion of each examination, the Legislative Auditor shall  
31 submit a full and detailed report to the Joint Audit Committee.

32 (2) A report shall include:

- 1                   (i) the findings;
- 2                   (ii) any appropriate recommendations for changes in record keeping  
3 or in other conduct of the unit or body that is the subject of the report; and
- 4                   (iii) any response of that unit or body, subject to procedures approved  
5 by the Joint Audit Committee.
- 6           (d) The Legislative Auditor shall send a copy of the report to:
- 7                   (1) the President of the Senate and the Speaker of the House of Delegates;
- 8                   (2) the Chairmen of the Senate Budget and Taxation and House  
9 Appropriations Committees;
- 10                  (3) members of the General Assembly, subject to § 2-1246 of this subtitle;
- 11                  (4) the Governor, unless the report is of the Board of Liquor License  
12 Commissioners for Baltimore City OR THE BOARD OF LICENSE COMMISSIONERS FOR  
13 PRINCE GEORGE'S COUNTY;
- 14                  (5) the Comptroller;
- 15                  (6) the State Treasurer, unless the report is of the Board of Liquor License  
16 Commissioners for Baltimore City OR THE BOARD OF LICENSE COMMISSIONERS FOR  
17 PRINCE GEORGE'S COUNTY;
- 18                  (7) the Attorney General, unless the report is of the Board of Liquor  
19 License Commissioners for Baltimore City OR THE BOARD OF LICENSE  
20 COMMISSIONERS FOR PRINCE GEORGE'S COUNTY;
- 21                  (8) the unit or body that is the subject of the report;
- 22                  (9) the Secretary of Budget and Management, unless the report is of the  
23 Board of Liquor License Commissioners for Baltimore City OR THE BOARD OF LICENSE  
24 COMMISSIONERS FOR PRINCE GEORGE'S COUNTY;
- 25                  (10) the Executive Director; and
- 26                  (11) any other person whom the Joint Audit Committee specifies.
- 27           (e) In addition to the requirements of subsection (d) of this section, each report of:
- 28                   (1) a local school system shall be distributed to the chair of the House Ways  
29 and Means Committee and the cochairs of the Joint Committee on the Management of  
30 Public Funds; [and]



1           (2) the Board of Liquor License Commissioners for Baltimore City shall be  
 2 distributed to the chair of the Baltimore City delegation and the chair of the Baltimore City  
 3 senators; AND

4           **(3) THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE**  
 5 **GEORGE'S COUNTY SHALL BE DISTRIBUTED TO:**

6                   **(I) THE PRINCE GEORGE'S COUNTY COUNCIL;**

7                   **(II) THE PRINCE GEORGE'S COUNTY EXECUTIVE;**

8                   **(III) THE CHAIR OF THE PRINCE GEORGE'S COUNTY HOUSE**  
 9 **DELEGATION TO THE GENERAL ASSEMBLY; AND**

10                   **(IV) THE CHAIR OF THE PRINCE GEORGE'S COUNTY SENATE**  
 11 **DELEGATION TO THE GENERAL ASSEMBLY.**

12           SECTION 2. AND BE IT FURTHER ENACTED, That ~~the~~:

13           (a) The term of office of the members of the Board of License Commissioners for  
 14 Prince George's County, or their successors selected to fill a vacancy, who are in office as of  
 15 the effective date of this Act, shall terminate on ~~April 30, 2017~~ the effective date of this Act.

16           ~~SECTION 3. AND BE IT FURTHER ENACTED, That the terms of office of the~~  
 17 ~~initial members of the Board of License Commissioners for Prince George's County who are~~  
 18 ~~appointed on or after April 30, 2017, shall expire as follows:~~

19                   ~~(1) two members on April 30, 2018;~~

20                   ~~(2) two members on April 30, 2019; and~~

21                   ~~(3) one member on April 30, 2020.~~

22           (b) A member whose term is terminated under subsection (a) of this section shall  
 23 continue to serve until a successor is appointed.

24           SECTION 3. AND BE IT FURTHER ENACTED, That:

25           (a) The County Executive shall hire an outside professional consultant on or  
 26 before September 1, 2017, to review the standard operating procedures of the Board.

27           (b) In conducting the review, the consultant shall:

1           (1) compare the standard operating procedures to best practices in the area  
 2 as well as to the standard operating procedures of other boards of license commissioners  
 3 throughout the State; and

4           (2) recommend changes to improve the operation and efficiency of the  
 5 Board.

6           (c) The consultant shall submit a report detailing the findings and  
 7 recommendations to the Prince George's County Executive, the Prince George's County  
 8 Council, the Prince George's County House Delegation to the General Assembly, and the  
 9 Prince George's County Senate Delegation to the General Assembly.

10           SECTION 4. AND BE IT FURTHER ENACTED, That an inspector appointed before  
 11 the effective date of this Act shall be placed in the classified service of the Prince George's  
 12 County personnel system.

13           SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act is an emergency  
 14 measure, is necessary for the immediate preservation of the public health or safety, has  
 15 been passed by a ye and nay vote supported by three-fifths of all the members elected to  
 16 each of the two Houses of the General Assembly, and shall take effect from the date it is  
 17 enacted.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.