EMERGENCY BILL 7lr2664

By: Prince George's County Delegation

Introduced and read first time: February 10, 2017

Assigned to: Economic Matters

## A BILL ENTITLED

1 AN ACT concerning

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## Prince George's County Delegation – Appointment of Board of License Commissioners

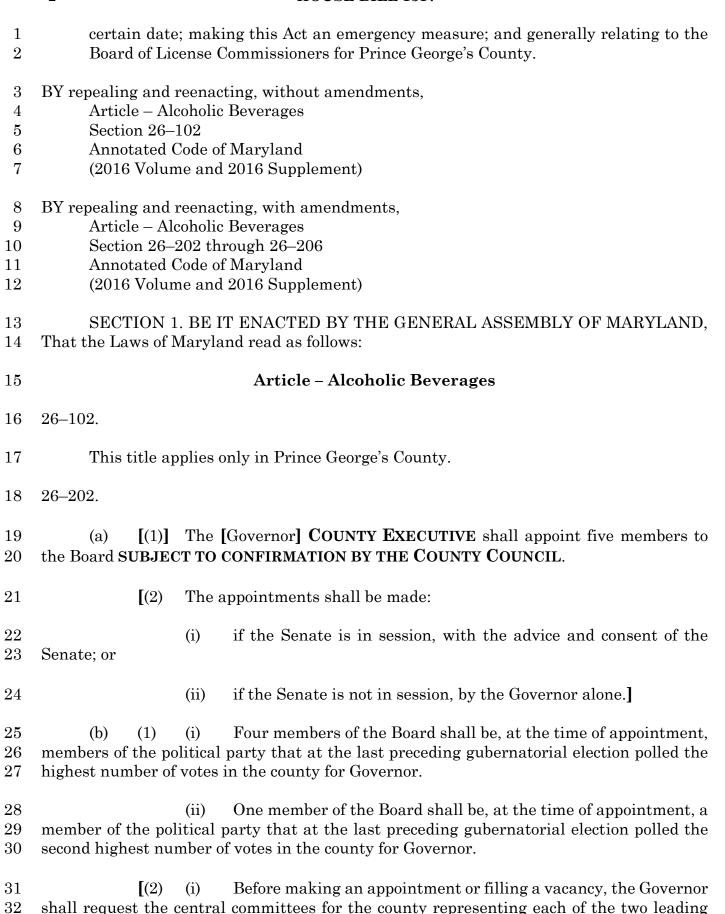
4 PG 310–17

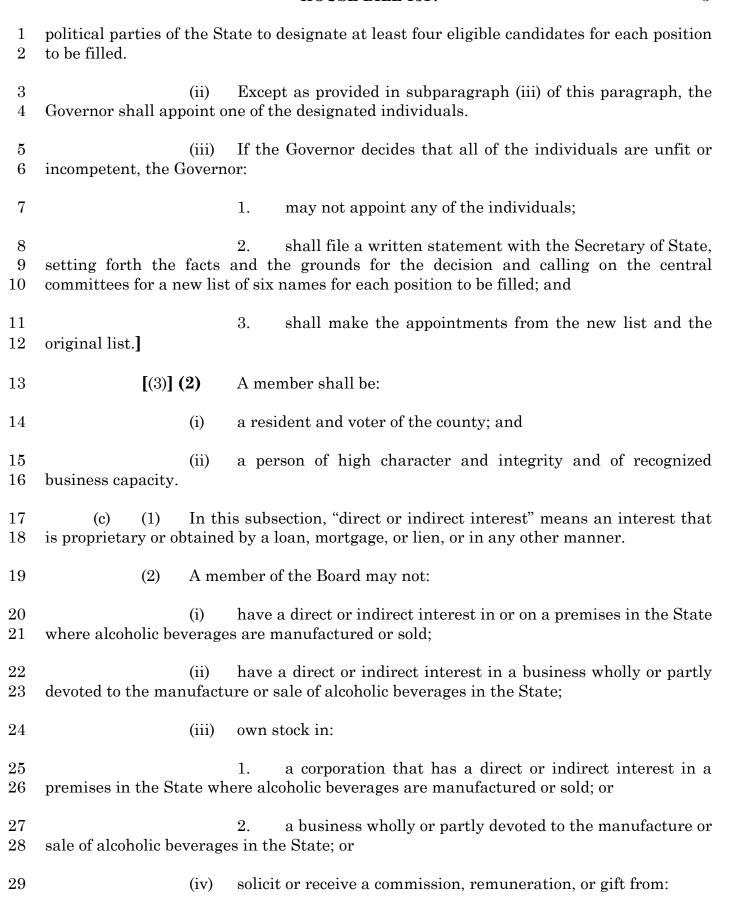
FOR the purpose of repealing the requirement that the Governor appoint all of the members of the Board of License Commissioners for Prince George's County; requiring the County Executive to make the appointments, subject to confirmation by the County Council; requiring the County Executive rather than the Governor to make an appointment to fill a vacancy; authorizing the County Executive rather than the Governor to remove a member under certain conditions; requiring a certain certification letter to be addressed to the County Executive rather than the Governor; requiring the County Executive rather than the Governor to appoint the chair of the Board; repealing a provision of law prohibiting the County Executive and County Council from adopting a certain policy; authorizing the Board to set the compensation of the Board employees in accordance with the county's classification plan; replacing the position of Board administrator with the position of executive director of the Board; requiring the County Executive to appoint the executive director, subject to confirmation by the County Council; providing for the salary of the executive director; allowing the executive director to participate in the county's supplemental retirement plan; requiring that the attorney whom the Board appoints shall receive an amount as specified in the county budget; repealing certain provisions of law regarding the compensation of the attorney; requiring that an employee of the Board be subject to the county ethics laws; specifying that the expenses of the Board be contained in the county budget; repealing certain provisions of law regarding the payment of certain expenses; altering the number of full-time inspectors and the number of part-time inspectors; altering the salary of a part-time inspector; providing that the terms of office of the members of the Board or successor members who are in office as of the effective date of this Act shall terminate on a certain date; providing for staggered terms of office for members appointed after a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

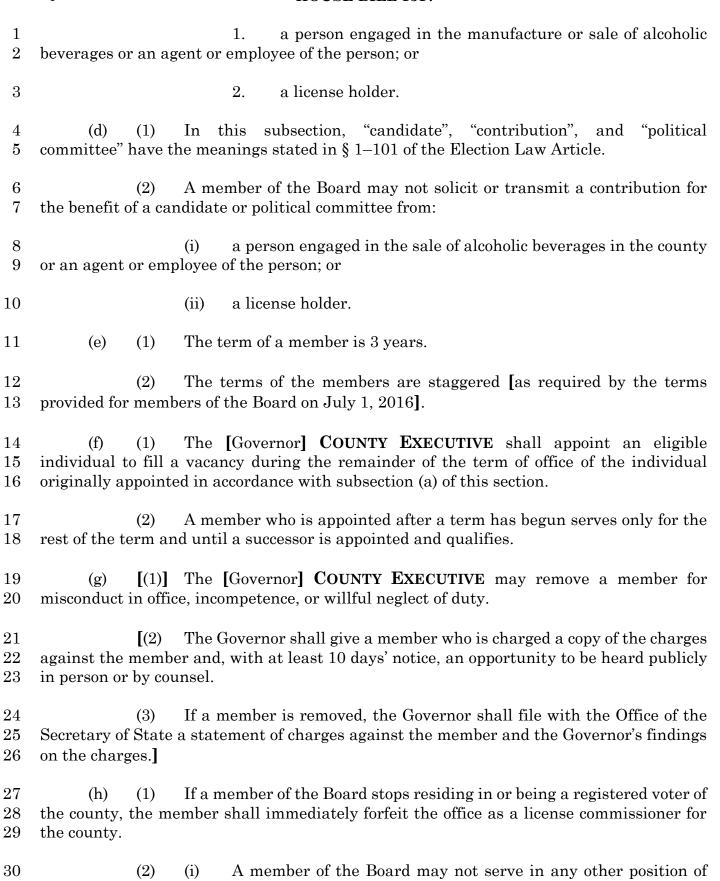


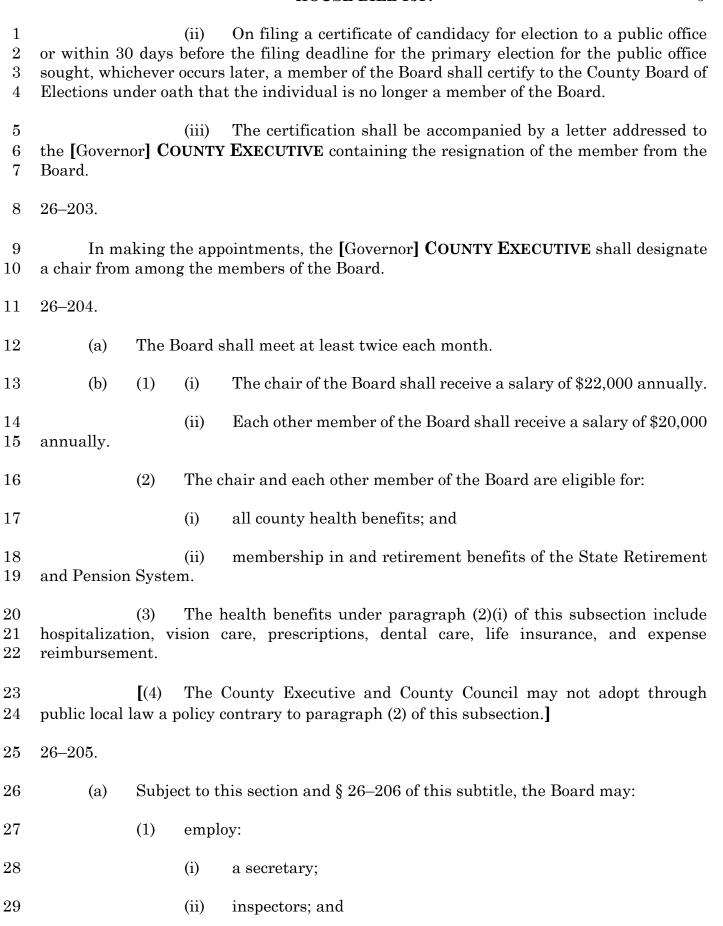




public office.

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1	(iii) clerical and other assistants as are necessary; and		
2 3	(2) set the compensation of the employees IN ACCORDANCE WITH THE COUNTY'S CLASSIFICATION PLAN.		
4 5	(b) (1) The [Board] COUNTY EXECUTIVE shall appoint an [administrator] EXECUTIVE DIRECTOR, SUBJECT TO CONFIRMATION BY THE COUNTY COUNCIL.		
6 7	(2) The [administrator] <b>EXECUTIVE DIRECTOR</b> shall serve at the will of the [Board] <b>COUNTY EXECUTIVE</b> and devote full time to the duties of the Board.		
8 9 10	(3) The [administrator may] <b>EXECUTIVE DIRECTOR SHALL</b> receive a salary [of \$40,705 annually] as determined by the [Board after a performance evaluation] <b>COUNTY EXECUTIVE AND AS PROVIDED IN THE COUNTY BUDGET</b> .		
11 12	(4) (i) The [administrator] <b>EXECUTIVE DIRECTOR</b> is eligible to participate in the county's supplemental retirement plan.		
13 14	(ii) The County Executive and County Council may not adopt through public local law a policy contrary to subparagraph (i) of this paragraph.		
15 16	(c) [(1)] The Board shall appoint an attorney who shall [serve at the will of the Board] RECEIVE A SALARY AS PROVIDED IN THE COUNTY BUDGET.		
17	[(2) The County Council shall pay the attorney:		
18	(i) a salary of \$18,500 annually;		
19 20	(ii) all court costs and expenses incurred while performing the duties of attorney; and		
21 22	(iii) legal fees that the Board approves for representing the Board in court.		
23 24	(3) The Board shall establish the fee rate for representing the Board in court.		
25	(4) The attorney is eligible for:		
26 27	(i) all county health benefits, including hospitalization, vision care, prescriptions, dental care, life insurance, and expense reimbursement; and		
28 29	(ii) membership in and retirement benefits of the State Retirement and Pension System.		

1 The County Executive and County Council may not adopt through (5)2 public local law a policy contrary to paragraph (4) of this subsection. 3 The restrictions under § 26-202(c) and (d) of this subtitle regarding 4 direct and indirect interests of members of the Board in alcoholic beverages activities and 5 soliciting or transmitting political contributions for the benefit of a candidate or political 6 committee apply to employees of the Board. 7 (2) An employee of the Board: 8 (i) shall devote full time to the business of the Board during the 9 hours designated by the Board for the performance of the employee's official duties; 10 (ii) may not engage in an occupation, business, or profession connected to or associated with the manufacture or sale of alcoholic beverages; and 11 12 (iii) may not transact business beyond the employee's official duties: 1. with a license holder; or 13 2. 14 in connection with the operation of an establishment licensed for the manufacture or sale of alcoholic beverages. 15 16 (3)An employee of the Board who violates this section shall be removed. 17 AN EMPLOYEE OF THE BOARD IS SUBJECT TO THE COUNTY **(4)** 18 ETHICS LAWS. 19 Subject to paragraph (3) of this subsection, on ON the submission by 20 the Board of an annual budget, the County Council shall pay for all expenses of the Board 21AS CONTAINED IN THE COUNTY BUDGET. 22 In the budget, the salaries of the members [and the attorney for the 23Board and any additional compensation for legal fees for the attorney shall be as set forth 24under [subsection (c) of this section and §§ 26–204 and 26–206(g)] § 26–204 of this subtitle. 25Except as provided in § 26–206(g) of this subtitle, payments for 26 all other expenses shall be at the discretion of the County Council, including: 27 1. the salary of the administrator under subsection (b)(3) of 28this section; 29 2.compensation of other personnel, who shall be qualified 30 and employed under the county merit system;

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printing;

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1		4. supplies; and
2		5. office space.
3 4	and categori	(ii) The County Executive and the County Council shall recognize ze the Board as a public safety agency for budgetary purposes.
5 6 7		(iii) The County Council may include in the budget an amount not to 000 for the purpose of maintaining software and mobile devices used to ractices and increase the efficiency and transparency of the Board.]
8	26–206.	
9	(a)	The Board shall appoint all of its inspectors.
0	(b)	An inspector:
$\frac{1}{2}$	or relating to	(1) has all the powers of a peace officer or sheriff in the State arising out of the enforcement of this article;
13		(2) may issue a civil citation under § 26–2603 of this title; and
14 15	immediately	(3) has the authority to order that an unlicensed establishment be closed under $\S~26-2501$ of this title.
16	(c)	An inspector shall:
17		(1) visit and inspect periodically every licensed premises; and
8		(2) carry out other duties that the Board requires.
9	(d)	Inspectors are subject to the restrictions under:
20 21 22 23		(1) § 26–202(c) and (d) of this subtitle regarding direct and indirect members of the Board in alcoholic beverages activities and soliciting or political contributions for the benefit of a candidate or political committee;
24 25 26		(2) § 26–205(d) of this subtitle requiring an employee to devote full time to of the Board, prohibiting certain activities, and requiring removal for violation irements and prohibitions.
27 28	(e) Constitution	An inspector shall take the oath required by Article I, § 9 of the Maryland.

- 1 There are [three] TWO full-time inspectors and [24] NOT MORE THAN (f) (1) 2 16 part-time inspectors of the Board AS PROVIDED IN THE COUNTY BUDGET. 3 To be a full-time or part-time inspector, an individual shall be a 4 resident of the county. 5 From the full-time inspectors, the Board shall designate 6 annually a chief inspector and [two] ONE deputy chief [inspectors] INSPECTOR. 7 (ii) Under the direction of the Board, the chief inspector shall 8 regulate the duties, hours, and assignments of the inspectors. 9 The full-time inspectors who are certified by the personnel director as 10 meeting the standards that the county merit board sets out are included in the county merit system. 11 12 A part-time inspector shall receive [a] THE salary [of \$13,900 annually] (g) THAT IS PROVIDED IN THE COUNTY BUDGET. 13 14 SECTION 2. AND BE IT FURTHER ENACTED, That the term of office of the 15 members of the Board of License Commissioners for Prince George's County, or their successors selected to fill a vacancy, who are in office as of the effective date of this Act, 16 17 shall terminate on April 30, 2017. SECTION 3. AND BE IT FURTHER ENACTED, That the terms of office of the 18 initial members of the Board of License Commissioners for Prince George's County who are 19 20 appointed on or after April 30, 2017, shall expire as follows: (1) two members on April 30, 2018;
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- 22(2)two members on April 30, 2019; and
- 23one member on April 30, 2020. (3)

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