

HOUSE BILL 1317

A2

EMERGENCY BILL

71r2664

By: **Prince George's County Delegation**

Introduced and read first time: February 10, 2017

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2017

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 the
7 Board of License Commissioners for Prince George's County; requiring ~~the County~~
8 ~~Executive to make~~ the appointments, to be made subject to confirmation by the
9 Prince George's County Council; requiring a confirmation hearing before the Prince
10 George's County Council to be held within a certain time; requiring members of the
11 Board to have a certain type of experience; repealing certain appointment procedures
12 for members of the Board; requiring the County Executive to consider the need for
13 certain types of diversity when evaluating an applicant for membership on the
14 Board; prohibiting a member of the Board from soliciting or receiving certain
15 benefits; prohibiting certain individuals from soliciting or receiving certain benefits
16 from certain individuals; prohibiting a member of the Board from being appointed to
17 more than a certain number of terms; requiring the County Executive, rather than
18 the Governor, to ~~make an appointment~~ appoint an eligible individual to fill a vacancy
19 under certain circumstances; providing that a vacancy appointment is subject to a
20 certain confirmation hearing; authorizing the County Executive rather than the
21 Governor to remove a member under certain conditions; ~~requiring a certain~~
22 certification letter to be addressed to the County Executive rather than the
23 Governor; requiring the County Executive rather than the Governor to appoint the
24 chair of the Board; repealing a provision of law prohibiting the County Executive and

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.



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

44 BY repealing and reenacting, without amendments,

45 Article – Alcoholic Beverages

46 Section 26–102

1 Annotated Code of Maryland
2 (2016 Volume and 2016 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Alcoholic Beverages
5 Section 26–202 through 26–206
6 Annotated Code of Maryland
7 (2016 Volume and 2016 Supplement)

8 BY adding to
9 Article – Alcoholic Beverages
10 Section 26–206.1 and 26–209
11 Annotated Code of Maryland
12 (2016 Volume and 2016 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article – General Provisions
15 Section 5–809(a)
16 Annotated Code of Maryland
17 (2014 Volume and 2016 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – General Provisions
20 Section 5–809(b)
21 Annotated Code of Maryland
22 (2014 Volume and 2016 Supplement)

23 BY adding to
24 Article – State Government
25 Section 2–1220(g)
26 Annotated Code of Maryland
27 (2014 Replacement Volume and 2016 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article – State Government
30 Section 2–1223(a) and 2–1224(a), (d), and (e)
31 Annotated Code of Maryland
32 (2014 Replacement Volume and 2016 Supplement)

33 BY repealing and reenacting, without amendments,
34 Article – State Government
35 Section 2–1224(b) and (c)
36 Annotated Code of Maryland
37 (2014 Replacement Volume and 2016 Supplement)

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

1 **Article – Alcoholic Beverages**

2 26–102.

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

4 26–202.

5 (a) [(1)] The [Governor] **COUNTY EXECUTIVE** shall appoint five members to
6 the Board **SUBJECT TO CONFIRMATION BY THE COUNTY COUNCIL.**

7 ~~[(2) The appointments shall be made:~~

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

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

11 **(I) WITHIN 60 DAYS AFTER NOMINATION BY THE COUNTY**
12 **EXECUTIVE, AND NOT LESS THAN 7 DAYS BEFORE A CONFIRMATION VOTE ON A**
13 **NOMINEE IS SCHEDULED, THE COUNTY COUNCIL SHALL HOLD A PUBLIC**
14 **CONFIRMATION HEARING FOR AN INDIVIDUAL NOMINATED TO THE BOARD.**

15 **(II) IF THE COUNTY COUNCIL DOES NOT HOLD A PUBLIC**
16 **HEARING AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE NOMINEE**
17 **SHALL BECOME A MEMBER OF THE BOARD.**

18 (b) [(1) (i) Four members of the Board shall be, at the time of appointment,
19 members of the political party that at the last preceding gubernatorial election polled the
20 highest number of votes in the county for Governor.

21 (ii) One member of the Board shall be, at the time of appointment, a
22 member of the political party that at the last preceding gubernatorial election polled the
23 second highest number of votes in the county for Governor.

24 ~~[(2) (i) Before making an appointment or filling a vacancy, the Governor~~
25 ~~shall request the central committees for the county representing each of the two leading~~
26 ~~political parties of the State to designate at least four eligible candidates for each position~~
27 ~~to be filled.~~

28 (ii) Except as provided in subparagraph (iii) of this paragraph, the
29 Governor shall appoint one of the designated individuals.

30 (iii) If the Governor decides that all of the individuals are unfit or
31 incompetent, the Governor:

- 1 1. may not appoint any of the individuals;
- 2 2. shall file a written statement with the Secretary of State,
3 setting forth the facts and the grounds for the decision and calling on the central
4 committees for a new list of six names for each position to be filled; and
- 5 3. shall make the appointments from the new list and the
6 original list.‡

7 ~~‡(3)~~ ~~(2)~~ **(1)** A member shall be:

- 8 (i) a resident and voter of the county; and
- 9 (ii) a person of high character and integrity and of recognized
10 business capacity.

11 **(2) EACH MEMBER OF THE BOARD SHALL HAVE:**

12 **(I) LEGAL EXPERIENCE;**

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

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

15 **(IV) BUSINESS MANAGEMENT EXPERIENCE.**

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

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

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

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

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

26 (iii) own stock in:

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

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

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

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

6 2. a license holder;

7 **(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY OR ON**
8 **BEHALF OF ANOTHER PERSON, A COMMISSION, POLITICAL CONTRIBUTION,**
9 **REMUNERATION, OR GIFT FROM A PERSON ENGAGED IN THE MANUFACTURE,**
10 **DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF**
11 **THE PERSON; OR**

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

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

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

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

20 (ii) a license holder.

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

22 (2) The terms of the members are staggered ~~as~~ required by the terms
23 provided for members of the Board on July 1, 2016~~].~~

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

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

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

1 **(3) AN APPOINTMENT MADE TO FILL A VACANCY IS SUBJECT TO A**
2 **CONFIRMATION HEARING BY THE COUNTY COUNCIL UNDER SUBSECTION (A) OF**
3 **THIS SECTION.**

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

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

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

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

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

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

21 (iii) The certification shall be accompanied by a letter addressed to
22 the **[Governor] COUNTY EXECUTIVE** containing the resignation of the member from the
23 Board.

24 26–203.

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

27 26–204.

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

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

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

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

- 1 (i) all county health benefits; and
- 2 (ii) membership in and retirement benefits of the State Retirement
3 and Pension System.

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

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

9 26–205.

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

12 (1) employ:

13 (i) a secretary;

14 (ii) inspectors; and

15 (iii) clerical and other assistants as are necessary; and

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

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

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

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

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

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

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

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

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

7 (i) a salary of \$18,500 annually;

8 (ii) all court costs and expenses incurred while performing the duties
9 of attorney; and

10 (iii) legal fees that the Board approves for representing the Board in
11 court.

12 (3) The Board shall establish the fee rate for representing the Board in
13 court.

14 (4) The attorney is eligible for:

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

17 (ii) membership in and retirement benefits of the State Retirement
18 and Pension System.

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

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

25 (2) An employee of the Board:

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

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

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

- 1 1. with a license holder; or
- 2 2. in connection with the operation of an establishment
- 3 licensed for the manufacture or sale of alcoholic beverages.

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

5 ~~(4) AN EMPLOYEE OF THE BOARD IS SUBJECT TO THE COUNTY~~

6 ~~ETHICS LAWS.~~

7 (e) (1) [Subject to paragraph (3) of this subsection, on] **ON** the submission by

8 the Board of an annual budget, the County Council shall pay for all expenses of the Board

9 **AS CONTAINED IN THE COUNTY BUDGET.**

10 (2) In the budget, the salaries of the members [and the attorney for the

11 Board and any additional compensation for legal fees for the attorney] shall be as set forth

12 under [subsection (c) of this section and §§ 26–204 and 26–206(g)] **§ 26–204** of this subtitle.

13 [(3) (i) Except as provided in § 26–206(g) of this subtitle, payments for

14 all other expenses shall be at the discretion of the County Council, including:

- 15 1. the salary of the administrator under subsection (b)(3) of
- 16 this section;
- 17 2. compensation of other personnel, who shall be qualified
- 18 and employed under the county merit system;
- 19 3. printing;
- 20 4. supplies; and
- 21 5. office space.

22 (ii) The County Executive and the County Council shall recognize

23 and categorize the Board as a public safety agency for budgetary purposes.

24 (iii) The County Council may include in the budget an amount not to

25 exceed \$50,000 for the purpose of maintaining software and mobile devices used to

26 modernize practices and increase the efficiency and transparency of the Board.]

27 26–206.

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

29 (b) An inspector:

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

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

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

6 (c) An inspector shall:

7 (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:

10 (1) § 26–202(c) and (d) of this subtitle regarding direct and indirect
11 interests of members of the Board in alcoholic beverages activities and soliciting or
12 transmitting political contributions for the benefit of a candidate or political committee;
13 and

14 (2) § 26–205(d) of this subtitle requiring an employee to devote full time to
15 the business of the Board, prohibiting certain activities, and requiring removal for violation
16 of those requirements and prohibitions.

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

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

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

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

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

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

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

3 **26-206.1.**

4 (A) IN THIS SECTION, "DIRECT OR INDIRECT INTEREST" MEANS AN
5 INTEREST THAT IS:

6 (1) PROPRIETARY;

7 (2) OBTAINED BY A LOAN, MORTGAGE, OR LIEN OR IN ANY OTHER
8 MANNER; OR

9 (3) BENEFICIALLY OWNED THROUGH AN INVESTMENT VEHICLE,
10 ESTATE, TRUST, OR OTHER INTERMEDIARY WHEN THE BENEFICIARY DOES NOT
11 CONTROL THE INTERMEDIARY OR MAY SUPERVISE OR PARTICIPATE IN THE
12 INTERMEDIARY'S INVESTMENT DECISIONS.

13 (B) (1) A MEMBER OF THE BOARD IS SUBJECT TO THE RESTRICTIONS ON
14 EARNED INCOME THAT A FILED CANDIDATE FOR ELECTION TO THE GENERAL
15 ASSEMBLY, A MEMBER-ELECT OF THE GENERAL ASSEMBLY, AND A MEMBER OF THE
16 GENERAL ASSEMBLY ARE SUBJECT TO UNDER § 5-514(A)(1) OF THE GENERAL
17 PROVISIONS ARTICLE.

18 (2) THE PRINCE GEORGE'S COUNTY BOARD OF ETHICS MAY EXEMPT
19 A MEMBER OF THE BOARD FROM THE PROVISIONS OF PARAGRAPH (1) OF THIS
20 SUBSECTION IN THE SAME MANNER THAT THE JOINT ETHICS COMMITTEE MAY
21 EXEMPT AN INDIVIDUAL FROM § 5-514(A)(1) OF THE GENERAL PROVISIONS
22 ARTICLE.

23 (C) AN ACTION OF A MEMBER, AN INSPECTOR, OR AN EMPLOYEE OF THE
24 BOARD IS SUBJECT TO STATE REQUIREMENTS OF THE PUBLIC INFORMATION ACT
25 UNDER TITLE 3 OF THE GENERAL PROVISIONS ARTICLE.

26 **26-209.**

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

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

1 PRINCE GEORGE'S COUNTY UNDER § 5-807 OF THIS SUBTITLE SHALL BE
2 EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 6 OF THIS TITLE.

3 Article – State Government

4 2-1220.

5 (G) (1) BEGINNING ON JULY 1, 2017, AND AT LEAST ONCE EVERY 3 YEARS
6 THEREAFTER, THE OFFICE OF LEGISLATIVE AUDITS SHALL CONDUCT A
7 PERFORMANCE AUDIT OF THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE
8 GEORGE'S COUNTY TO EVALUATE THE EFFECTIVENESS AND EFFICIENCY OF THE
9 MANAGEMENT PRACTICES OF THE BOARD AND OF THE ECONOMY WITH WHICH THE
10 BOARD USES RESOURCES.

11 (2) THE PERFORMANCE AUDIT SHALL FOCUS ON OPERATIONS
12 RELATING TO LIQUOR INSPECTIONS, LICENSING, DISCIPLINARY PROCEDURES, AND
13 MANAGEMENT OVERSIGHT.

14 2-1223.

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

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

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

27 (i) any local school system to perform the audits authorized under §
28 2-1220 of this subtitle or in accordance with a request for information as provided in §
29 5-114(d) of the Education Article; [and]

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

32 (III) THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE
33 GEORGE'S COUNTY TO PERFORM THE AUDITS AUTHORIZED UNDER § 2-1220(G) OF
34 THIS SUBTITLE.

1 2-1224.

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

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

4 (2) THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE
5 GEORGE'S COUNTY.

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

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

11 (2) A report shall include:

12 (i) the findings;

13 (ii) any appropriate recommendations for changes in record keeping
14 or in other conduct of the unit or body that is the subject of the report; and

15 (iii) any response of that unit or body, subject to procedures approved
16 by the Joint Audit Committee.

17 (d) The Legislative Auditor shall send a copy of the report to:

18 (1) the President of the Senate and the Speaker of the House of Delegates;

19 (2) the Chairmen of the Senate Budget and Taxation and House
20 Appropriations Committees;

21 (3) members of the General Assembly, subject to § 2-1246 of this subtitle;

22 (4) the Governor, unless the report is of the Board of Liquor License
23 Commissioners for Baltimore City OR THE BOARD OF LICENSE COMMISSIONERS FOR
24 PRINCE GEORGE'S COUNTY;

25 (5) the Comptroller;

26 (6) the State Treasurer, unless the report is of the Board of Liquor License
27 Commissioners for Baltimore City OR THE BOARD OF LICENSE COMMISSIONERS FOR
28 PRINCE GEORGE'S COUNTY;

1 (7) the Attorney General, unless the report is of the Board of Liquor
 2 License Commissioners for Baltimore City OR THE BOARD OF LICENSE
 3 COMMISSIONERS FOR PRINCE GEORGE'S COUNTY;

4 (8) the unit or body that is the subject of the report;

5 (9) the Secretary of Budget and Management, unless the report is of the
 6 Board of Liquor License Commissioners for Baltimore City OR THE BOARD OF LICENSE
 7 COMMISSIONERS FOR PRINCE GEORGE'S COUNTY;

8 (10) the Executive Director; and

9 (11) any other person whom the Joint Audit Committee specifies.

10 (e) In addition to the requirements of subsection (d) of this section, each report of:

11 (1) a local school system shall be distributed to the chair of the House Ways
 12 and Means Committee and the cochairs of the Joint Committee on the Management of
 13 Public Funds; [and]

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

17 (3) THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE
 18 GEORGE'S COUNTY SHALL BE DISTRIBUTED TO:

19 (I) THE PRINCE GEORGE'S COUNTY COUNCIL;

20 (II) THE PRINCE GEORGE'S COUNTY EXECUTIVE;

21 (III) THE CHAIR OF THE PRINCE GEORGE'S COUNTY HOUSE
 22 DELEGATION TO THE GENERAL ASSEMBLY; AND

23 (IV) THE CHAIR OF THE PRINCE GEORGE'S COUNTY SENATE
 24 DELEGATION TO THE GENERAL ASSEMBLY.

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

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

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

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

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

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

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

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

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

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

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

13 (2) recommend changes to improve the operation and efficiency of the
14 Board.

15 (c) The consultant shall submit a report detailing the findings and
16 recommendations to the Prince George's County Executive, the Prince George's County
17 Council, the Prince George's County House Delegation to the General Assembly, and the
18 Prince George's County Senate Delegation to the General Assembly.

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.