

SENATE BILL 865

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HB 825/99 - ECM

2000 Regular Session
0lr2957
CF 0lr0528

By: **Senators Currie and Exum**

Introduced and read first time: February 24, 2000

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Board of License Commissioners - Terms and**
3 **Duties**
4 **PG 307-00**

5 FOR the purpose of altering the length of the term of office for a member of the Prince
6 George's County Board of License Commissioners; substituting the Governor's
7 office for the Board as the entity that appoints the Board's administrator,
8 attorney, and inspectors; substituting the Governor's office for the Board as the
9 entity that is authorized to remove the Board's administrator and attorney;
10 establishing the salary for the administrator; requiring the Prince George's
11 County Council to approve a certain salary in its annual budget; substituting
12 the Board's chief inspector or deputy chief inspector for the Board as the person
13 responsible for establishing certain duties that the Board's inspectors must
14 perform; repealing the Board's authority to regulate the chief inspector;
15 repealing the Board's authority to designate the working hours of its employees;
16 and generally relating to the Prince George's County Board of License
17 Commissioners.

18 BY repealing and reenacting, with amendments,
19 Article 2B - Alcoholic Beverages
20 Section 15-101(r), 15-109(r), and 15-112(r)
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 1999 Supplement)

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

25 **Article 2B - Alcoholic Beverages**

26 15-101.

27 (r) (1) This subsection applies in Prince George's County.

28 (2) (i) The Board of License Commissioners consists of 5 members.

1 (ii) The Governor shall appoint 4 of the 5 Commissioners from the
2 political party obtaining the highest number of votes in the last gubernatorial general
3 election in the County, and the Governor shall appoint 1 Commissioner from the
4 political party obtaining the next highest number of votes in the County election.

5 (iii) Before making the appointments or filling any vacancy, the
6 Governor shall request the central committees for Prince George's County
7 representing each of the 2 leading political parties of the State to designate at least 4
8 eligible candidates for each position; and the Governor shall appoint one of the
9 persons so designated unless in his judgment all of the persons are unfit or
10 incompetent, in which case he shall file a written statement to that effect with the
11 Secretary of State. The statement shall set forth the facts and the grounds therefor
12 and shall call upon the committees for Prince George's County for another list of 6
13 names for each position to be filled, from which list and the original list the Governor
14 shall make the appointments.

15 (3) The term of a member is [3 years. The terms of the members are
16 staggered as required by the terms provided for members of the Board on July 1,
17 1985] 1 YEAR.

18 (4) Not more than 4 of the appointees shall belong to the same political
19 party.

20 15-109.

21 (r) (1) This subsection applies only in Prince George's County.

22 (2) (i) Each of the members of the Board shall receive an annual
23 salary of \$17,000.

24 (ii) The chairman shall receive an annual salary of \$18,000.

25 (3) The Board shall meet at least two times per month.

26 (4) (i) The administrator of the Board shall be appointed by and serve
27 at the will of the [Board] GOVERNOR OR THE GOVERNOR'S DESIGNEE and shall
28 devote full time and attention to the duties of the Board.

29 (ii) The administrator [may] SHALL receive an annual salary of
30 \$40,705 [as determined by the Board of License Commissioners after a performance
31 evaluation].

32 (5) (i) The attorney for the Board shall be appointed by, and serve at
33 the will of, the [Board] GOVERNOR OR THE GOVERNOR'S DESIGNEE.

34 (ii) The attorney shall receive an annual salary of \$15,500 and the
35 County Council shall pay all court costs and expenses incurred therein by the
36 attorney to the Board.

1 (6) The County Council shall pay for all expenses of the Board of License
2 Commissioners upon the submission of an annual budget. In that budget, the salary
3 of the members of the Board AND THE ADMINISTRATOR shall be approved as
4 hereinbefore set forth; all other expenses, including, but not restricted to, the
5 compensation of the inspectors, [the salary of the administrator as limited herein,]
6 compensation of other personnel, who shall be qualified and employed under the
7 county merit system, printing, supplies, and office space, shall be at the discretion of
8 the County Council.

9 (7) (i) Members of the Board of Alcoholic Beverages License
10 Commissioners are eligible for:

- 11 1. All County health benefits; and
- 12 2. Membership in and retirement benefits of the State
13 Employees' Pension System.

14 (ii) The health benefits under this paragraph include:

- 15 1. Hospitalization;
- 16 2. Vision care;
- 17 3. Prescriptions;
- 18 4. Dental care;
- 19 5. Life insurance; and
- 20 6. Expense reimbursement.

21 (iii) The administrator of the Board of License Commissioners is
22 eligible to participate in the County's supplemental retirement plan.

23 (iv) The County Executive and County Council may not adopt,
24 either through public local law or personnel law, any policy contrary to the provisions
25 of subparagraph (i) or (iii) of this paragraph.

26 15-112.

27 (r) (1) This subsection applies only in Prince George's County.

28 (2) The [Board] GOVERNOR OR THE GOVERNOR'S DESIGNEE shall
29 appoint an administrator, an attorney, and all inspectors for the Board.

30 (3) (i) The inspectors shall:

- 31 1. Each have all the powers of a peace officer or a constable
32 or sheriff of this State;

1 (iii) May not transact any business of any kind whatsoever beyond
2 their official duties with any licensee, or in connection with the operation of any
3 establishment licensed for the manufacture or sale of alcoholic beverages.

4 (6) Any employee of the Board who violates any of the provisions of this
5 section shall be removed.

6 (7) A commissioner, inspector, or employee of the Board may not solicit or
7 receive any commission, remuneration, or gift whatsoever from any person or
8 corporation engaged in the manufacture or sale of beer or other alcoholic beverages,
9 or from any agent or employee of the person or corporation, or from any licensee,
10 licensed under the provisions of this article.

11 (8) A commissioner shall immediately forfeit his office as a license
12 commissioner for the County if the commissioner:

13 (i) Ceases to reside in the County; or

14 (ii) Ceases to be a registered voter of the County.

15 (9) A license commissioner may not serve in any other position of public
16 office. At the time of filing a certificate of candidacy for election to a public office, or
17 within 30 days prior to the filing deadline for the primary election for the public office
18 sought, whichever occurs later, a license commissioner shall certify to the local Board
19 of Supervisors of Elections under oath that the individual is no longer a license
20 commissioner. The certification shall be accompanied by a letter addressed to the
21 Governor containing the resignation of the commissioner from the Board.

22 (10) (i) In this paragraph, "candidate", "contribution", and "political
23 committee" have the meanings stated in Article 33, § 1-101 of the Code.

24 (ii) A commissioner, inspector, or employee of the Board may not
25 solicit or transmit any contribution for the benefit of any candidate or political
26 committee from any:

27 1. Person or corporation engaged in the sale of beer or other
28 alcoholic beverages in the County;

29 2. Agent or employee of the person or corporation; or

30 3. Licensee licensed under the provisions of this article.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2000.