

SENATE BILL 865

Unofficial Copy
A2
HB 825/99 - ECM

2000 Regular Session
Olr2957
CF Olr0528

By: **Senators Currie and Exum**

Introduced and read first time: February 24, 2000

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs, February 25, 2000

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2000

CHAPTER _____

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 establishing the position of executive director of the Board of License
16 Commissioners for Prince George's County; establishing that the executive
17 director reports to the Board; setting the annual salary of the executive director;
18 eliminating the position of administrator of the Board; repealing the Board's
19 authority to designate the working hours of its employees; and generally
20 relating to the Prince George's County Board of License Commissioners.

21 BY repealing and reenacting, with amendments,
22 Article 2B - Alcoholic Beverages
23 Section 15-101(r), 15-109(r), and 15-112(r)
24 Annotated Code of Maryland

1 (1998 Replacement Volume and 1999 Supplement)

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

4 **Article 2B - Alcoholic Beverages**

5 15-101.

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

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

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

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

22 (3) The term of a member is {3 years. The terms of the members are
23 staggered as required by the terms provided for members of the Board on July 1,
24 1985} ~~1 YEAR.~~

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

27 (5) (I) THERE IS AN EXECUTIVE DIRECTOR OF THE BOARD OF
28 LICENSE COMMISSIONERS.

29 (II) THE EXECUTIVE DIRECTOR SHALL BE APPOINTED BY THE
30 GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.

31 (III) THE EXECUTIVE DIRECTOR SHALL MEET THE STANDARDS SET
32 BY THE PRINCE GEORGE'S COUNTY MERIT BOARD AND SHALL BE CERTIFIED BY THE
33 PERSONNEL DIRECTOR AS MEETING THESE STANDARDS.

34 (IV) THE EXECUTIVE DIRECTOR IS ENTITLED TO THE PROVISIONS
35 OF THE COUNTY MERIT SYSTEM.

36 (V) THE EXECUTIVE DIRECTOR SHALL REPORT TO THE BOARD.

1 (VI) THE EXECUTIVE DIRECTOR SHALL RECEIVE AN ANNUAL
 2 SALARY OF \$56,500.

3 15-109.

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

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

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

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

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

12 ~~(ii) The administrator [may] SHALL receive an annual salary of~~
 13 ~~\$40,705 [as determined by the Board of License Commissioners after a performance~~
 14 ~~evaluation].~~

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

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

20 ~~(6) (5) The County Council shall pay for all expenses of the Board of~~
 21 ~~License Commissioners upon the submission of an annual budget. In that budget, the~~
 22 ~~salary of the members of the Board AND THE ADMINISTRATOR shall be approved as~~
 23 ~~hereinbefore set forth; all other expenses, including, but not restricted to, the~~
 24 ~~compensation of the inspectors, [the salary of the administrator as limited herein,]~~
 25 ~~compensation of other personnel, who shall be qualified and employed under the~~
 26 ~~county merit system, printing, supplies, and office space, shall be at the discretion of~~
 27 ~~the County Council.~~

28 ~~(7) (6) (i) Members of the Board of Alcoholic Beverages License~~
 29 ~~Commissioners are eligible for:~~

30 1. All County health benefits; and

31 2. Membership in and retirement benefits of the State
 32 Employees' Pension System.

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

34 1. Hospitalization;

35 2. Vision care;

1 3. Prescriptions;

2 4. Dental care;

3 5. Life insurance; and

4 6. Expense reimbursement.

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

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

10 15-112.

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

12 (2) The {Board} ~~GOVERNOR OR THE GOVERNOR'S DESIGNEE~~ shall
13 appoint ~~an administrator, an attorney,~~ AN ATTORNEY and all inspectors for the Board.

14 (3) (i) The inspectors shall:

15 1. Each have all the powers of a peace officer or a constable
16 or sheriff of this State;

17 2. Make oath to faithfully perform the duties entrusted to
18 them, as provided in Article I, § 9 of the Maryland Constitution;

19 3. Be known as "alcoholic beverages inspectors for Prince
20 George's County";

21 4. Have the duty of visiting and inspecting every licensed
22 premises periodically; and

23 5. Carry on the other duties the {Board} ~~CHIEF INSPECTOR~~
24 ~~OR DEPUTY CHIEF INSPECTOR~~ prescribes.

25 (ii) There are 2 full-time and 29 part-time inspectors, all of whom
26 shall be County residents. The 2 full-time inspector positions shall be designated as
27 the chief inspector and the deputy chief inspector. The 2 full-time inspectors who
28 meet the standards set out by the Prince George's County merit board and who are
29 certified by the personnel director as meeting these standards shall be entitled to the
30 provisions of the County merit system.

31 (iii) Each part-time inspector shall receive an annual salary of not
32 less than \$9,270.

1 (iv) The Board shall designate annually a chief inspector from
2 among the 2 full-time inspectors. The chief inspector, under the direction of the
3 Board, shall regulate the duties, hours, and assignments of the various inspectors.

4 (4) A commissioner, inspector, or employee of the Board may not:

5 (i) Have any interest, either proprietary or by means of any loan,
6 mortgage, or lien, or in any other manner, in or on any premises in this State where
7 alcoholic beverages are manufactured or sold; and

8 (ii) Have any interest in any business wholly or partially devoted to
9 the manufacture or sale of alcoholic beverages in this State, or own any stock in any
10 corporation which has any interest, proprietary or otherwise, direct or indirect, in any
11 premises in this State where alcoholic beverages are manufactured or sold or in any
12 business wholly or partially devoted to the manufacture or sale of alcoholic beverages
13 in this State.

14 (5) Employees of the Board:

15 (i) Shall devote their whole time and attention to the business of
16 the Board during the hours designated [by the Board] for the performance of their
17 official duties;

18 (ii) May not engage in any occupation, business, or profession in
19 any way connected or associated with the manufacture or sale of alcoholic beverages;
20 and

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

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

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

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

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

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

35 (9) A license commissioner may not serve in any other position of public
36 office. At the time of filing a certificate of candidacy for election to a public office, or
37 within 30 days prior to the filing deadline for the primary election for the public office

1 sought, whichever occurs later, a license commissioner shall certify to the local Board
2 of Supervisors of Elections under oath that the individual is no longer a license
3 commissioner. The certification shall be accompanied by a letter addressed to the
4 Governor containing the resignation of the commissioner from the Board.

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

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

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

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

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

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