

SENATE BILL 488

A2

EMERGENCY BILL
ENROLLED BILL

(7lr1914)

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

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

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Prince George’s County – Alcoholic Beverages Regulation Reform Act of 2017**

3 FOR the purpose of requiring the County Executive for Prince George’s County, instead of
4 the Governor, to appoint members to the Board of License Commissioners for Prince
5 George’s County; requiring the appointments to be made ~~after a certain hearing;~~
6 ~~providing that a certain appointment is subject to certain confirmation during a~~
7 ~~certain session of the General Assembly; providing that a seat is deemed to be vacant~~
8 ~~under certain circumstances; requiring at least one member~~ subject to confirmation
9 by the Senate; requiring a confirmation hearing before the Prince George’s County
10 Senate Delegation to be held within a certain time; requiring members of the Board
11 to have a certain type of experience; repealing ~~provisions of law requiring the~~
12 ~~Governor to request lists of candidates from certain central committees before~~
13 ~~making an appointment~~ certain appointment procedures for members of the Board;
14 requiring the County Executive to consider the need for certain types of diversity
15 when evaluating an applicant for membership on the Board; prohibiting a member

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 of the Board from soliciting or ~~transmitting a contribution for a certain purpose from~~
2 ~~a person regulated by the Board~~ *receiving certain benefits; prohibiting certain*
3 *individuals from soliciting or receiving certain benefits from certain individuals;*
4 *prohibiting a member of the Board from being appointed to more than a certain*
5 *number of terms; requiring the County Executive, rather than the Governor, to*
6 *appoint an eligible individual to fill a vacancy under certain circumstances;*
7 *providing that a vacancy appointment is subject to a certain confirmation hearing;*
8 *authorizing the County Executive to remove a member under certain circumstances;*
9 ~~requiring the County Executive to give certain notice and file a statement of charges~~
10 ~~and findings on the charges if a member is removed; requiring a certain resignation~~
11 ~~letter to be addressed to the County Executive under certain circumstances; altering~~
12 ~~the authority of the Board to set the compensation of employees of the Board;~~
13 ~~requiring that the Board appoint an executive director, rather than an~~
14 ~~administrator; requiring that the executive director receive a salary as determined~~
15 ~~by the County Executive and as set forth in the county budget; repealing a certain~~
16 ~~provision of law prohibiting the County Executive and County Council to adopt a~~
17 ~~certain policy; requiring the Board attorney to receive a salary as provided in the~~
18 ~~county budget, rather than a certain amount; repealing a certain provision of law~~
19 ~~specifying that the Board attorney serves at the will of the Board; providing that the~~
20 ~~County Council is required to pay for certain expenses as contained in the county's~~
21 ~~budget; altering the number of full-time and part-time inspectors of the Board;~~
22 ~~altering the number of deputy chief inspectors to be designated by the Board;~~
23 ~~altering the salary of a part-time inspector~~ *requiring the County Executive rather*
24 *than the Governor to appoint the chair of the Board; repealing a provision of law*
25 *prohibiting the County Executive and the County Council from adopting a certain*
26 *policy; requiring the Board to appoint a director, rather than an administrator;*
27 *altering certain provisions relating to the salary and expenses of certain members and*
28 *employees of the Board; altering the number of full-time and part-time inspectors of*
29 *the Board; authorizing, except under certain circumstances, certain individuals to*
30 *hold certain employment; providing that a member of the Board is subject to the same*
31 *restrictions on earned income as certain individuals are under a certain provision of*
32 *law; providing that the members, employees, and inspectors of the Board are subject*
33 *to certain public ethics laws to the same extent as certain local officials; authorizing*
34 *a person to file a complaint with the county's Office of Ethics and Accountability*
35 *under certain circumstances; requiring the Office to take certain action if a complaint*
36 *is filed; requiring the Office of Legislative Audits to conduct a certain audit of the*
37 *Board and focus on certain matters; authorizing the employees and authorized*
38 *representatives of the Office of Legislative Audits to have access to certain records for*
39 *a certain purpose; exempting certain audit reports from the requirement that the*
40 *Legislative Auditor send copies of audit reports to certain individuals; requiring*
41 *certain audit reports to be sent to certain persons; providing that the terms of office*
42 *of the members of the Board or successor members who are in office as of the effective*
43 *date of this Act shall terminate as of the effective date of this Act; requiring the*
44 *County Executive to employ an outside professional consultant to review certain*
45 *standard operating procedures, make a certain comparison, and recommend certain*
46 *changes; making conforming changes; defining a certain term; altering a certain*
47 *definition; making this Act an emergency measure; and generally relating to the*

1 ~~appointment, removal, and resignation of members of~~ the Board of License
2 Commissioners for Prince George's County.

3 BY repealing and reenacting, without amendments,
4 Article – Alcoholic Beverages
5 Section 26–102
6 Annotated Code of Maryland
7 (2016 Volume and 2016 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article – Alcoholic Beverages
10 Section 26–202, ~~26–205,~~ and *through* 26–206
11 Annotated Code of Maryland
12 (2016 Volume and 2016 Supplement)

13 BY adding to
14 Article – Alcoholic Beverages
15 Section ~~26–206.1~~ and 26–209
16 Annotated Code of Maryland
17 (2016 Volume and 2016 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – General Provisions
20 Section 5–809(a)
21 Annotated Code of Maryland
22 (2014 Volume and 2016 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – General Provisions
25 Section 5–809(b)
26 Annotated Code of Maryland
27 (2014 Volume and 2016 Supplement)

28 BY adding to
29 Article – State Government
30 Section 2–1220(g)
31 Annotated Code of Maryland
32 (2014 Replacement Volume and 2016 Supplement)

33 BY repealing and reenacting, with amendments,
34 Article – State Government
35 Section 2–1223(a) and 2–1224(a), (d), and (e)
36 Annotated Code of Maryland
37 (2014 Replacement Volume and 2016 Supplement)

38 BY repealing and reenacting, without amendments,
39 Article – State Government

1 Section 2-1224(b) and (c)
 2 Annotated Code of Maryland
 3 (2014 Replacement Volume and 2016 Supplement)

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

6 **Article – Alcoholic Beverages**

7 26-102.

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

9 26-202.

10 (a) (1) The [Governor] COUNTY EXECUTIVE shall appoint five members to
 11 the Board SUBJECT TO CONFIRMATION BY THE SENATE.

12 (2) ~~The appointments shall be made:~~

13 ~~(I) AFTER A HEARING AT WHICH MEMBERS OF THE PUBLIC~~
 14 ~~SHALL BE GIVEN THE OPPORTUNITY TO BE HEARD; AND~~

15 ~~[(i)] (H) 1. if the Senate is in session, with the advice and~~
 16 ~~consent of the Senate; or~~

17 ~~[(ii)] 2. if the Senate is not in session, by the [Governor] COUNTY~~
 18 ~~EXECUTIVE alone.~~

19 ~~(3) (I) IF AN APPOINTMENT IS MADE WHILE THE SENATE IS NOT IN~~
 20 ~~SESSION, THE APPOINTMENT IS SUBJECT TO CONFIRMATION BY THE SENATE~~
 21 ~~DURING THE NEXT SESSION OF THE GENERAL ASSEMBLY.~~

22 ~~(H) IF THE SENATE FAILS TO CONFIRM THE APPOINTMENT, THE~~
 23 ~~SEAT SHALL BE DEEMED VACANT~~

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

29 (II) IF A CANDIDATE IS NOMINATED FOR THE BOARD AND IS NOT
 30 CONFIRMED BY THE SENATE DURING THE FOLLOWING SESSION:

1 1. THE SEAT SHALL BE DECLARED VACANT; AND

2 2. THE COUNTY EXECUTIVE SHALL NOMINATE AN
3 INDIVIDUAL TO FILL THE VACANCY.

4 (III) A CANDIDATE WHO IS NOT CONFIRMED BY THE SENATE MAY
5 BE RENOMINATED BY THE COUNTY EXECUTIVE AND CONFIRMED BY THE SENATE
6 ONLY DURING THE FOLLOWING SESSION.

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

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

13 ~~(III) AT LEAST ONE MEMBER OF THE BOARD SHALL HAVE:~~

14 ~~1. PUBLIC SAFETY EXPERIENCE;~~

15 ~~2. REGULATORY EXPERIENCE; OR~~

16 ~~3. BUSINESS EXPERIENCE.~~

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

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

23 ~~(iii) If the Governor decides that all of the individuals are unfit or~~
24 ~~incompetent, the Governor:~~

25 ~~1. may not appoint any of the individuals;~~

26 ~~2. shall file a written statement with the Secretary of State,~~
27 ~~setting forth the facts and the grounds for the decision and calling on the central~~
28 ~~committees for a new list of six names for each position to be filled; and~~

29 ~~3. shall make the appointments from the new list and the~~
30 ~~original list.]~~

~~(2) WHEN EVALUATING AN APPLICANT FOR MEMBERSHIP ON THE BOARD, THE COUNTY EXECUTIVE SHALL CONSIDER THE NEED FOR GEOGRAPHIC, POLITICAL, RACIAL, ETHNIC, AND GENDER DIVERSITY ON THE BOARD.~~

~~(3)~~ (1) A member shall be:

(i) a resident and voter of the county; and

(ii) a person of high character and integrity ~~and of recognized business capacity.~~

(2) EACH MEMBER OF THE BOARD SHALL HAVE:

(I) LEGAL EXPERIENCE;

(II) PUBLIC SAFETY EXPERIENCE;

(III) REGULATORY EXPERIENCE; OR

(IV) MANAGEMENT EXPERIENCE.

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

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

(2) A member of the Board may not:

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

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

(iii) own stock in:

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

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

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

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

3 2. a license holder;

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

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

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

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

15 (i) a person engaged in the sale of alcoholic beverages in the county
16 or an agent or employee of the person; ~~for~~

17 (ii) a license holder; ~~OR~~

18 ~~**(III) ANY OTHER PERSON REGULATED BY THE BOARD.**~~

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

20 (2) The terms of the members are staggered as required by the terms
21 provided for members of the Board on July 1, 2016.

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

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

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

28 **(3) AN APPOINTMENT MADE TO FILL A VACANCY IS SUBJECT TO A**
29 **CONFIRMATION HEARING BY THE SENATE UNDER SUBSECTION (A) OF THIS SECTION.**

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

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

6 (3) If a member is removed, the [Governor] COUNTY EXECUTIVE shall
7 file with the ~~{Office of the Secretary of State} COUNTY ATTORNEY~~ a statement of charges
8 against the member and the [Governor's] COUNTY EXECUTIVE'S findings on the charges.

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

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

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

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

21 26-203.

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

24 26-204.

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

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

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

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

30 (i) all county health benefits; and

1 (ii) membership in and retirement benefits of the State Retirement
2 and Pension System.

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

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

8 26–205.

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

11 (1) employ:

12 (i) a secretary;

13 (ii) inspectors; and

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

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

17 (b) (1) The Board shall appoint ~~an~~ **A [administrator] EXECUTIVE DIRECTOR.**

18 (2) The **[administrator] EXECUTIVE DIRECTOR** shall serve at the will of
19 the Board and devote full time to the duties of the Board.

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

23 (4) [(i)] The **[administrator] EXECUTIVE DIRECTOR** is eligible to
24 participate in the county's supplemental retirement plan.

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

27 (5) **THE DIRECTOR SHALL FOLLOW THE REQUIREMENTS OF SUBTITLE**
28 **16 OF THE PRINCE GEORGE'S COUNTY CODE WHILE HIRING ANY EMPLOYEES UNDER**
29 **SUBSECTION (A) OF THIS SECTION.**

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

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

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

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

7 (iii) legal fees that the Board approves for representing the Board in
8 court.

9 (3) The Board shall establish the fee rate for representing the Board in
10 court.

11 (4) The attorney is eligible for:

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

14 (ii) membership in and retirement benefits of the State Retirement
15 and Pension System.

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

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

22 (2) An employee of the Board:

23 (i) shall devote full time to the business of the Board during the
24 hours designated by the Board for the performance of the employee’s official duties;

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

27 (iii) may not transact business beyond the employee’s official duties:

28 1. with a license holder; or

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

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

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

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

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

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

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

14 3. printing;

15 4. supplies; and

16 5. office space.

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

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

22 26–206.

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

24 (b) An inspector:

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

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

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

1 (c) An inspector shall:

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

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

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

5 (1) § 26–202(c) and (d) of this subtitle regarding direct and indirect
6 interests of members of the Board in alcoholic beverages activities and soliciting or
7 transmitting political contributions for the benefit of a candidate or political committee;
8 and

9 (2) § 26–205(d) of this subtitle requiring an employee to devote full time to
10 the business of the Board, prohibiting certain activities, and requiring removal for violation
11 of those requirements and prohibitions.

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

14 (f) (1) There are **UP TO** three full–time inspectors and **UP TO** 24 part–time
15 inspectors of the Board **AS PROVIDED IN THE COUNTY BUDGET**.

16 (2) To be a full–time or part–time inspector, an individual shall be a
17 resident of the county.

18 (3) (i) From the full–time inspectors, the Board shall designate
19 annually a chief inspector and ~~UP TO~~ two deputy chief inspectors.

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

22 (4) The full–time inspectors who are certified by the personnel director as
23 meeting the standards that the county merit board sets out are included in the county merit
24 system.

25 (g) A part–time inspector shall receive a salary [of \$13,900 annually] **AS**
26 **PROVIDED IN THE COUNTY BUDGET**.

27 **26–206.1.**

28 **(A) (1) A MEMBER OF THE BOARD IS SUBJECT TO THE RESTRICTIONS ON**
29 **EARNED INCOME THAT A FILED CANDIDATE FOR ELECTION TO THE GENERAL**
30 **ASSEMBLY, A MEMBER–ELECT OF THE GENERAL ASSEMBLY, AND A MEMBER OF THE**

1 GENERAL ASSEMBLY ARE SUBJECT TO UNDER § 5-514(A)(1) OF THE GENERAL
2 PROVISIONS ARTICLE.

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

8 (B) AN ACTION OF A MEMBER, AN INSPECTOR, OR AN EMPLOYEE OF THE
9 BOARD IS SUBJECT TO STATE REQUIREMENTS OF THE PUBLIC INFORMATION ACT
10 UNDER TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.

11 **26-209.**

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

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

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

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

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

25 (I) INVESTIGATE THE COMPLAINT; AND

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

28 Article – General Provisions

29 5-809.

30 (a) In this section, "local official" includes an individual who is designated as a
31 local official and whose position is funded wholly or partly by the State.

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

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

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

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

10 **(i)** shall be equivalent to or exceed the requirements of Subtitle 6 of
 11 this title; but

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

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

19 Article – State Government

20 2–1220.

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

27 **(2)** THE PERFORMANCE AUDIT SHALL FOCUS ON OPERATIONS
 28 RELATING TO LIQUOR INSPECTIONS, LICENSING, DISCIPLINARY PROCEDURES, AND
 29 MANAGEMENT OVERSIGHT.

30 2–1223.

31 **(a) (1)** Except as prohibited by the federal Internal Revenue Code, during an
 32 examination, the employees or authorized representatives of the Office of Legislative Audits
 33 shall have access to and may inspect the records, including those that are confidential by

1 law, of any unit of the State government or of a person or other body receiving State funds,
2 with respect to any matter under the jurisdiction of the Office of Legislative Audits.

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

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

9 (i) any local school system to perform the audits authorized under §
10 2-1220 of this subtitle or in accordance with a request for information as provided in §
11 5-114(d) of the Education Article; [and]

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

14 (III) **THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE**
15 **GEORGE'S COUNTY TO PERFORM THE AUDITS AUTHORIZED UNDER § 2-1220(G) OF**
16 **THIS SUBTITLE.**

17 2-1224.

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

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

20 (2) **THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE'S**
21 **COUNTY.**

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

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

27 (2) A report shall include:

28 (i) the findings;

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

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

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

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

5 (2) the Chairmen of the Senate Budget and Taxation and House
 6 Appropriations Committees;

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

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

11 (5) the Comptroller;

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

15 (7) the Attorney General, 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 (8) the unit or body that is the subject of the report;

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

22 (10) the Executive Director; and

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

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

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

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

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

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

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

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

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

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

10 **(a) The term** of office of the members of the Board of License Commissioners for
 11 Prince George's County, or their successors selected to fill a vacancy, who are in office as of
 12 the effective date of this Act, shall terminate on the effective date of this Act.

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

15 **SECTION 3. AND BE IT FURTHER ENACTED, That:**

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

18 **(b) In conducting the review, the consultant shall:**

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

22 **(2) recommend changes to improve the operation and efficiency of the**
 23 **Board.**

24 **(c) The consultant shall submit a report detailing the findings and**
 25 **recommendations to the Prince George's County Executive, the Prince George's County**
 26 **Council, the Prince George's County House Delegation to the General Assembly, and the**
 27 **Prince George's County Senate Delegation to the General Assembly.**

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

1 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety, has
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to
4 each of the two Houses of the General Assembly, and shall take effect from the date it is
5 enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.