EMERGENCY BILL 7lr1914

By: Prince George's County Senators

Introduced and read first time: January 30, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

A2

2

3

4

5

6

7

8

9

10 11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

Prince George's County - Alcoholic Beverages Regulation Reform Act of 2017

FOR the purpose of requiring the County Executive for Prince George's County, instead of the Governor, to appoint members to the Board of License Commissioners for Prince George's County; requiring the appointments to be made after a certain hearing; providing that a certain appointment is subject to certain confirmation during a certain session of the General Assembly; providing that a seat is deemed to be vacant under certain circumstances; requiring at least one member of the Board to have a certain type of experience; repealing provisions of law requiring the Governor to request lists of candidates from certain central committees before making an appointment; requiring the County Executive to consider the need for certain types of diversity when evaluating an applicant for membership on the Board; prohibiting a member of the Board from soliciting or transmitting a contribution for a certain purpose from a person regulated by the Board; requiring the County Executive to appoint an eligible individual to fill a vacancy under certain circumstances; authorizing the County Executive to remove a member under certain circumstances; requiring the County Executive to give certain notice and file a statement of charges and findings on the charges if a member is removed; requiring a certain resignation letter to be addressed to the County Executive under certain circumstances; altering the authority of the Board to set the compensation of employees of the Board; requiring that the Board appoint an executive director, rather than an administrator; requiring that the executive director receive a salary as determined by the County Executive and as set forth in the county budget; repealing a certain provision of law prohibiting the County Executive and County Council to adopt a certain policy; requiring the Board attorney to receive a salary as provided in the county budget, rather than a certain amount; repealing a certain provision of law specifying that the Board attorney serves at the will of the Board; providing that the County Council is required to pay for certain expenses as contained in the county's budget; altering the number of full-time and part-time inspectors of the Board; altering the number of deputy chief inspectors to be designated by the Board; altering the salary of a part-time inspector; providing the members, employees, and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



34

35

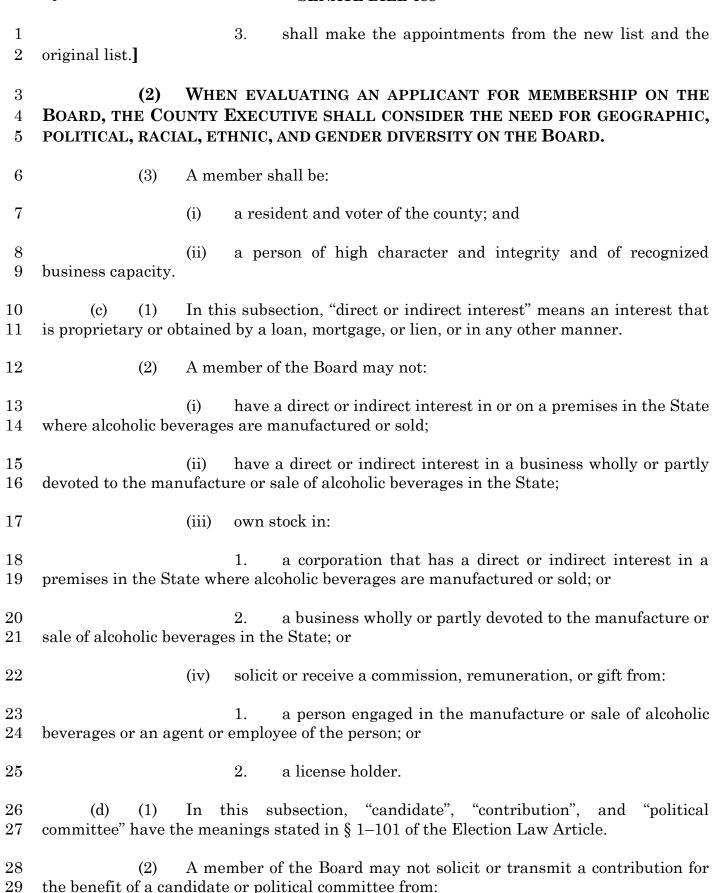
(I)

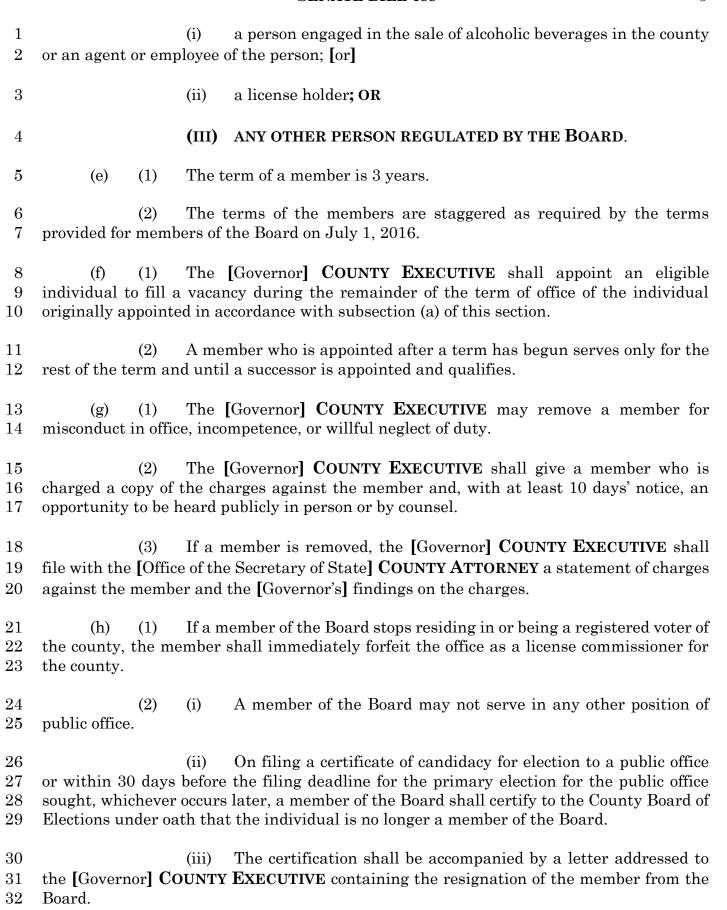
SHALL BE GIVEN THE OPPORTUNITY TO BE HEARD; AND

1 2 3 4 5 6 7 8 9	inspectors of the Board are subject to certain public ethics laws to the same exter as certain local officials; authorizing a person to file a complaint with the county Office of Ethics and Accountability under certain circumstances; requiring the Office to take certain action if a complaint is filed; 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; making conforming changes; making this Act an emergency measure; and generally relating to the appointment, removal, and resignation of members of the Board of Licens Commissioners for Prince George's County.							
10 11 12 13 14	BY repealing and reenacting, without amendments, Article – Alcoholic Beverages Section 26–102 Annotated Code of Maryland (2016 Volume and 2016 Supplement)							
15 16 17 18 19	BY repealing and reenacting, with amendments, Article – Alcoholic Beverages Section 26–202, 26–205, and 26–206 Annotated Code of Maryland (2016 Volume and 2016 Supplement)							
20 21 22 23 24	BY adding to Article – Alcoholic Beverages Section 26–209 Annotated Code of Maryland (2016 Volume and 2016 Supplement)							
25 26	·							
27	Article – Alcoholic Beverages							
28	26–102.							
29	This title applies only in Prince George's County.							
30	26–202.							
31 32	(a) (1) The [Governor] COUNTY EXECUTIVE shall appoint five members to the Board.							
33	(2) The appointments shall be made:							

AFTER A HEARING AT WHICH MEMBERS OF THE PUBLIC

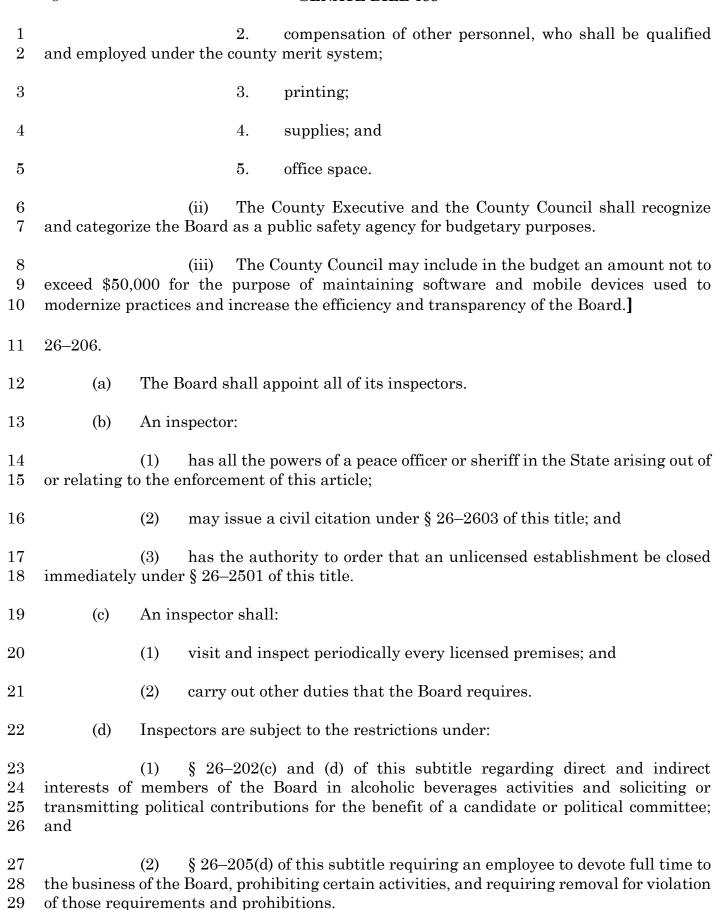
$\frac{1}{2}$	[(i)] (II) 1. if the Senate is in session, with the advice and consent of the Senate; or
3 4	[(ii)] 2. if the Senate is not in session, by the [Governor] COUNTY EXECUTIVE alone.
5 6 7	(3) (I) If an appointment is made while the Senate is not in session, the appointment is subject to confirmation by the Senate during the next session of the General Assembly.
8 9	(II) IF THE SENATE FAILS TO CONFIRM THE APPOINTMENT, THE SEAT SHALL BE DEEMED VACANT.
10 11 12	(b) (1) (i) Four members of the Board shall be, at the time of appointment, members of the political party that at the last preceding gubernatorial election polled the highest number of votes in the county for Governor.
13 14 15	(ii) One member of the Board shall be, at the time of appointment, a member of the political party that at the last preceding gubernatorial election polled the second highest number of votes in the county for Governor.
16	(III) AT LEAST ONE MEMBER OF THE BOARD SHALL HAVE:
17	1. PUBLIC SAFETY EXPERIENCE;
18	2. REGULATORY EXPERIENCE; OR
19	3. BUSINESS EXPERIENCE.
20 21 22 23	[(2) (i) Before making an appointment or filling a vacancy, the Governor shall request the central committees for the county representing each of the two leading political parties of the State to designate at least four eligible candidates for each position to be filled.
24 25	(ii) Except as provided in subparagraph (iii) of this paragraph, the Governor shall appoint one of the designated individuals.
26 27	$\mbox{\ \ (iii)}$ $\ \ If the Governor decides that all of the individuals are unfit or incompetent, the Governor:$
28	1. may not appoint any of the individuals;
	i. may not appoint any of the marviadais,





1	26-205.			
2	(a)	Subje	ect to t	his section and § 26–206 of this subtitle, the Board may:
3		(1)	emple	oy:
4			(i)	a secretary;
5			(ii)	inspectors; and
6			(iii)	clerical and other assistants as are necessary; and
7 8	COUNTY'S	(2) CLASS		ne compensation of the employees IN ACCORDANCE WITH THE FION PLAN.
9	(b)	(1)	The I	Board shall appoint an [administrator] EXECUTIVE DIRECTOR.
10	the Board a	(2) nd dev	-	administrator] EXECUTIVE DIRECTOR shall serve at the will of l time to the duties of the Board.
12 13 14	- -		annua	[administrator may] EXECUTIVE DIRECTOR SHALL receive a lly] as determined by the [Board after a performance evaluation] ND AS SET FORTH IN THE COUNTY BUDGET.
15 16	participate	(4) in the	[(i)] county	The [administrator] EXECUTIVE DIRECTOR is eligible to 's supplemental retirement plan.
17 18	through pub	olic loc	[(ii) al law	The County Executive and County Council may not adopt a policy contrary to subparagraph (i) of this paragraph.]
19 20				Board shall appoint an attorney who shall [serve at the will of the ARY IN AN AMOUNT AS PROVIDED IN THE COUNTY BUDGET.
21		[(2)	The (County Council shall pay the attorney:
22			(i)	a salary of \$18,500 annually;
23 24	of attorney;	and	(ii)	all court costs and expenses incurred while performing the duties
25 26	court.		(iii)	legal fees that the Board approves for representing the Board in
27 28	court.	(3)	The 1	Board shall establish the fee rate for representing the Board in

1	(4) The attorney is eligible for:					
2 3	(i) all county health benefits, including hospitalization, vision care, prescriptions, dental care, life insurance, and expense reimbursement; and					
4 5	(ii) membership in and retirement benefits of the State Retirement and Pension System.					
6 7	(5) The County Executive and County Council may not adopt through public local law a policy contrary to paragraph (4) of this subsection.]					
8 9 10 11	(d) (1) The restrictions under § 26–202(c) and (d) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities and soliciting or transmitting political contributions for the benefit of a candidate or political committee apply to employees of the Board.					
12	(2) An employee of the Board:					
13 14	(i) shall devote full time to the business of the Board during the hours designated by the Board for the performance of the employee's official duties;					
15 16	(ii) may not engage in an occupation, business, or profession connected to or associated with the manufacture or sale of alcoholic beverages; and					
17	(iii) may not transact business beyond the employee's official duties:					
18	1. with a license holder; or					
19 20	2. in connection with the operation of an establishment licensed for the manufacture or sale of alcoholic beverages.					
21	(3) An employee of the Board who violates this section shall be removed.					
22 23 24	(e) (1) [Subject to paragraph (3) of this subsection, on] ON the submission by the Board of an annual budget, the County Council shall pay for all expenses of the Board AS CONTAINED IN THE COUNTY BUDGET .					
25 26 27	(2) In the budget, the salaries of the members [and the attorney for the Board and any additional compensation for legal fees for the attorney] shall be as set forth under [subsection (c) of this section and §§ 26–204 and 26–206(g)] § 26–204 of this subtitle.					
28 29	[(3) (i) Except as provided in \S 26–206(g) of this subtitle, payments for all other expenses shall be at the discretion of the County Council, including:					
30 31	1. the salary of the administrator under subsection (b)(3) of this section;					



- 1 (e) An inspector shall take the oath required by Article I, § 9 of the Maryland 2 Constitution.
- 3 (f) (1) There are **UP TO** three full–time inspectors and **UP TO** 24 part–time 4 inspectors of the Board **AS PROVIDED IN THE COUNTY BUDGET**.
- 5 (2) To be a full-time or part-time inspector, an individual shall be a 6 resident of the county.
- 7 (3) (i) From the full-time inspectors, the Board shall designate 8 annually a chief inspector and **UP TO** two deputy chief inspectors.
- 9 (ii) Under the direction of the Board, the chief inspector shall 10 regulate the duties, hours, and assignments of the inspectors.
- 11 (4) The full-time inspectors who are certified by the personnel director as meeting the standards that the county merit board sets out are included in the county merit system.
- 14 (g) A part—time inspector shall receive a salary [of \$13,900 annually] AS 15 PROVIDED IN THE COUNTY BUDGET.
- 16 **26–209.**
- 17 (A) ALL MEMBERS, EMPLOYEES, AND INSPECTORS OF THE BOARD ARE
 18 SUBJECT TO THE COUNTY'S PUBLIC ETHICS LAWS ENACTED UNDER § 5–807 OF THE
 19 GENERAL PROVISIONS ARTICLE TO THE SAME EXTENT AS A LOCAL OFFICIAL OF THE
 20 COUNTY.
- 21 (B) (1) A PERSON MAY FILE A COMPLAINT WITH THE COUNTY'S OFFICE 22 OF ETHICS AND ACCOUNTABILITY IF THE PERSON BELIEVES THAT A MEMBER, AN 23 EMPLOYEE, OR AN INSPECTOR OF THE BOARD HAS VIOLATED:
- 24 (I) ANY PROVISION OF CIVIL OR CRIMINAL LAW, INCLUDING 25 LAWS AGAINST BRIBERY, IN CONNECTION WITH THE PERFORMANCE OF THE DUTIES 26 OF THE MEMBER, EMPLOYEE, OR INSPECTOR; OR
- 27 (II) ANY PROVISION OF THE COUNTY'S PUBLIC ETHICS LAWS.
- 28 (2) If A COMPLAINT IS FILED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY'S OFFICE OF ETHICS AND ACCOUNTABILITY SHALL:
- 30 (I) INVESTIGATE THE COMPLAINT; AND

1	(II)	IF APPROPRIATE, REFER THE COMPLAINT TO THE STAT	E'S
2	ATTORNEY OF THE COL	NTY FOR CRIMINAL PROSECUTION.	

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of office of the 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, shall terminate on the effective date of this Act.

SECTION 3. 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.