

SENATE BILL 852

A2

0lr1608

By: **Senator Patterson**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Appointment of Board of License Commissioners –**
3 **Legislative Oversight**

4 FOR the purpose of requiring a candidate for the Board of License Commissioners for
5 Prince George's County to provide letters of recommendation from certain senators;
6 requiring the Board to consider certain demographic information of certain
7 applicants for certain positions; requiring the Board to establish a certain platform
8 for the reception of certain complaints; authorizing the Board to respond directly to
9 certain complaints; requiring the Office of Legislative Audits to conduct audits on
10 certain accounts and report results to the General Assembly for a certain period of
11 time; and generally relating to the Board of License Commissioners for Prince
12 George's County.

13 BY repealing and reenacting, without amendments,
14 Article – Alcoholic Beverages
15 Section 26–102 and 26–201
16 Annotated Code of Maryland
17 (2016 Volume and 2019 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Alcoholic Beverages
20 Section 26–202 and 26–206(a)
21 Annotated Code of Maryland
22 (2016 Volume and 2019 Supplement)

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

25 **Article – Alcoholic Beverages**

26 26–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



This title applies only in Prince George's County.

26-201.

There is a Board of License Commissioners for Prince George's County.

26-202.

(a) (1) The County Executive shall appoint five members to the Board subject to confirmation by the Senate.

(2) (i) Within 60 days after nomination by the County Executive and not less than 7 days before a confirmation vote on a nominee is scheduled, the Prince George's County Senate Delegation shall hold a public confirmation hearing for an individual nominated to the Board.

(ii) If a candidate is nominated for the Board and is not confirmed by the Senate during the following session:

1. the seat shall be declared vacant; and

2. the County Executive shall nominate an individual to fill the vacancy.

(iii) A candidate who is not confirmed by the Senate may be renominated by the County Executive and confirmed by the Senate only during the following session.

(3) EACH CANDIDATE NOMINATED BY THE COUNTY EXECUTIVE SHALL PROVIDE, PRIOR TO CONFIRMATION BY THE SENATE, TWO LETTERS OF RECOMMENDATION, ONE EACH FROM:

(I) THE SENATOR WHO REPRESENTS THE DISTRICT WHERE THE CANDIDATE RESIDES; AND

(II) ANOTHER SENATOR FROM THE COUNTY.

(b) (1) A member shall be:

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

(ii) a person of high character and integrity.

(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;

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

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

2. a license holder;

(v) solicit or receive, directly or indirectly or on behalf of another person, a commission, political contribution, remuneration, or gift from a person engaged in the manufacture, distribution, or sale of alcoholic beverages or an agent or employee of the person; or

(vi) solicit or receive, directly or indirectly, a commission, remuneration, or gift from a license holder.

(d) (1) In this subsection, “candidate”, “contribution”, and “political

1 committee” have the meanings stated in § 1–101 of the Election Law Article.

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

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

6 (ii) a license holder.

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

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

10 (3) A member may not be appointed to more than three terms.

11 (f) (1) The County Executive shall appoint an eligible individual to fill a
12 vacancy during the remainder of the term of office of the individual originally appointed in
13 accordance with subsection (a) of this section.

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

16 (3) An appointment made to fill a vacancy is subject to a confirmation
17 hearing by the Senate under subsection (a) of this section.

18 (g) (1) The County Executive may remove a member for misconduct in office,
19 incompetence, or willful neglect of duty.

20 (2) The County Executive shall give a member who is charged a copy of the
21 charges against the member and, with at least 10 days’ notice, an opportunity to be heard
22 publicly in person or by counsel.

23 (3) If a member is removed, the County Executive shall file with the Office
24 of the Secretary of State a statement of charges against the member and the County
25 Executive’s findings on the charges.

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

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

31 (ii) On filing a certificate of candidacy for election to a public office
32 or within 30 days before the filing deadline for the primary election for the public office

sought, whichever occurs later, a member of the Board shall certify to the County Board of Elections under oath that the individual is no longer a member of the Board.

(iii) The certification shall be accompanied by a letter addressed to the County Executive containing the resignation of the member from the Board.

(I) THE BOARD SHALL ESTABLISH A PLATFORM BY WHICH IT MAY RECEIVE AND RESPOND TO COMPLAINTS RELATING TO ETHICS VIOLATIONS AND OTHER VIOLATIONS BY MEMBERS AND EMPLOYEES OF THE BOARD.

26–206.

(a) **(1)** The director shall appoint all of the Board’s inspectors.

(2) WHEN CONSIDERING A CANDIDATE FOR EMPLOYMENT AS AN INSPECTOR, THE DIRECTOR SHALL CONSIDER THE NEED FOR GEOGRAPHIC, POLITICAL, RACIAL, ETHNIC, AND GENDER DIVERSITY.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Office of Legislative Audits shall audit the accounts and transactions of the Board of License Commissioners for Prince George’s County annually for 3 years in accordance with § 2–1220 of the State Government Article.

(b) On or before September 30 each year beginning in 2020 and for 3 years thereafter, the Office of Legislative Audits shall report the results of the audits conducted by the Office to the General Assembly in accordance with § 2–1257 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.