

Chapter 812

(House Bill 1317)

AN ACT concerning

Prince George's County ~~Delegation – Appointment of Board of License Commissioners~~ Alcoholic Beverages Regulation Reform Act of 2017

PG 310-17

FOR the purpose of ~~repealing the requirement that~~ requiring the County Executive for Prince George's County, instead of the Governor, to appoint ~~all of the members of~~ *to* the Board of License Commissioners for Prince George's County; requiring ~~the County Executive to make~~ the appointments, *to be made* subject to confirmation by the ~~Prince George's County Council~~ *Senate*; requiring a confirmation hearing before the Prince George's County ~~Council~~ *Senate Delegation* to be held within a certain time; requiring members of the Board to have a certain type of experience; repealing certain appointment procedures for members of the Board; 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 receiving certain benefits; prohibiting certain individuals from soliciting or receiving certain benefits from certain individuals; prohibiting a member of the Board from being appointed to more than a certain number of terms; requiring the County Executive, rather than the Governor, to ~~make an appointment~~ *appoint an eligible individual* to fill a vacancy *under certain circumstances*; providing that a vacancy appointment is subject to a certain confirmation hearing; authorizing the County Executive ~~rather than the Governor~~ to remove a member under certain ~~conditions~~ *circumstances*; ~~requiring a certain certification letter to be addressed to the County Executive rather than the Governor~~; requiring the County Executive rather than the Governor to appoint the chair of the Board; repealing a provision of law prohibiting the County Executive and *the* County Council from adopting a certain policy; ~~authorizing the Board to set the compensation of the Board employees in accordance with the county's classification plan; replacing the position of Board administrator with the position of executive director of the Board; requiring the County Executive to appoint the executive director, subject to confirmation by the County Council; providing for the salary of the executive director; allowing the executive director to participate in the county's supplemental retirement plan; requiring that the attorney whom the Board appoints shall receive an amount as specified in the county budget; repealing certain provisions of law regarding the compensation of the attorney; requiring that an employee of the Board be subject to the county ethics laws; specifying that the expenses of the Board be contained in the county budget; repealing certain provisions of law regarding the payment of certain expenses; altering the number of full-time inspectors and the number of part-time inspectors; altering the salary of a part-time inspector; 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 shall terminate on a certain date; providing for staggered~~

~~terms of office for members appointed after a certain date~~ requiring the Board to appoint a director, rather than an administrator; altering certain provisions relating to the salary and expenses of certain members and employees of the Board; altering the number of full-time and part-time inspectors of the Board; authorizing, except under certain circumstances, certain individuals to hold certain employment; providing that a member of the Board is subject to the same restrictions on earned income as certain individuals are under a certain provision of law; ~~authorizing the Prince George's County Board of Ethics to exempt a member of the Board from the restriction on earned income; requiring certain individuals to comply with certain public ethics laws; requiring that certain financial disclosure provisions for the Board be equivalent to or exceed the requirements of a certain provision of law;~~ providing that the members, employees, and inspectors of the Board are subject to certain public ethics laws to the same extent as certain local officials; authorizing a person to file a complaint with the county's Office of Ethics and Accountability under certain circumstances; requiring the ~~Office of Ethics and Accountability~~ to take certain action if a complaint is filed; requiring ~~that~~ the Office of Legislative Audits *to* conduct a certain audit of the Board and focus on certain matters; authorizing the employees and authorized representatives of the Office of Legislative Audits to have access to certain records for a certain purpose; exempting certain audit reports from the requirement that the Legislative Auditor send copies of audit reports to certain individuals; requiring ~~that~~ certain audit reports *to* be sent to certain persons; ~~providing for the termination of certain terms of office~~ *requiring certain audit reports to be sent to certain persons; 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 shall terminate as of the effective date of this Act;* requiring the County Executive to employ an outside professional consultant to review certain standard operating procedures, make a certain comparison, and recommend certain changes; making conforming changes; defining a certain term; altering a certain definition; making this Act an emergency measure; and generally relating to the Board of License Commissioners for Prince George's County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 26–102

Annotated Code of Maryland

(2016 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 26–202 through 26–206

Annotated Code of Maryland

(2016 Volume and 2016 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 26–206.1 and 26–209

Annotated Code of Maryland
(2016 Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – General Provisions

Section 5–809(a)

Annotated Code of Maryland
(2014 Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5–809(b)

Annotated Code of Maryland
(2014 Volume and 2016 Supplement)

BY adding to

Article – State Government

Section 2–1220(g)

Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 2–1223(a) and 2–1224(a), (d), and (e)

Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, without amendments,

Article – State Government

Section 2–1224(b) and (c)

Annotated Code of Maryland
(2014 Replacement Volume and 2016 Supplement)

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

Article – Alcoholic Beverages

26–102.

This title applies only in Prince George’s County.

26–202.

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

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

~~(i) if the Senate is in session, with the advice and consent of the Senate; or~~

~~(ii) if the Senate is not in session, by the Governor alone~~

(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 ~~COUNTY COUNCIL~~ PRINCE GEORGE'S COUNTY SENATE DELEGATION SHALL HOLD A PUBLIC CONFIRMATION HEARING FOR AN INDIVIDUAL NOMINATED TO THE BOARD.

~~(II) IF THE COUNTY COUNCIL DOES NOT HOLD A PUBLIC HEARING AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE NOMINEE SHALL BECOME A MEMBER OF THE BOARD. 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.]

(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.

(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.

[(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.

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

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

1. may not appoint any of the individuals;
2. shall file a written statement with the Secretary of State, setting forth the facts and the grounds for the decision and calling on the central committees for a new list of six names for each position to be filled; and
3. shall make the appointments from the new list and the original list.‡

~~[(3)]~~ ~~(2)~~ **(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) ~~BUSINESS~~ 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. 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 committee” have the meanings stated in § 1–101 of the Election Law Article.

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

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

(ii) a license holder.

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

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

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

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

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

(3) AN APPOINTMENT MADE TO FILL A VACANCY IS SUBJECT TO A CONFIRMATION HEARING BY THE ~~COUNTY COUNCIL~~ SENATE UNDER SUBSECTION (A) OF THIS SECTION.

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

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

(3) If a member is removed, the ~~Governor~~ **COUNTY EXECUTIVE** shall file with the Office of the Secretary of State a statement of charges against the member and the ~~Governor's~~ **COUNTY EXECUTIVE'S** findings on the charges.†

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

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

(ii) On filing a certificate of candidacy for election to a public office 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 [Governor] **COUNTY EXECUTIVE** containing the resignation of the member from the Board.

26–203.

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

26–204.

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

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

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

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

(i) all county health benefits; and

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

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

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

26–205.

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

(1) employ:

(i) a secretary;

(ii) inspectors; and

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

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

(b) (1) The ~~[Board]~~ **COUNTY EXECUTIVE** shall appoint ~~an~~ **A** [administrator] **EXECUTIVE DIRECTOR, SUBJECT TO CONFIRMATION BY THE COUNTY COUNCIL.**

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

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

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

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

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

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

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

- (i) a salary of \$18,500 annually;
- (ii) all court costs and expenses incurred while performing the duties of attorney; and
- (iii) legal fees that the Board approves for representing the Board in court.

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

(4) The attorney is eligible for:

- (i) all county health benefits, including hospitalization, vision care, prescriptions, dental care, life insurance, and expense reimbursement; and
- (ii) membership in and retirement benefits of the State Retirement and Pension System.

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

(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.

(2) An employee of the Board:

- (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;

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

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

1. with a license holder; or

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

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

~~(4) AN EMPLOYEE OF THE BOARD IS SUBJECT TO THE COUNTY ETHICS LAWS.~~

(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.**

(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.

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

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

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

3. printing;

4. supplies; and

5. office space.

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

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

26–206.

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

(b) An inspector:

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

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

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

(c) An inspector shall:

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

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

(d) Inspectors are subject to the restrictions under:

(1) § 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; and

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

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

(f) (1) There are ~~UP TO three~~ **UP TO three** full-time inspectors and ~~UP TO 24~~ **UP TO 24** ~~NOT MORE THAN 16~~ part-time inspectors of the Board **AS PROVIDED IN THE COUNTY BUDGET**.

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

(3) (i) From the full-time inspectors, the Board shall designate annually a chief inspector and ~~two~~ **ONE** deputy chief ~~inspectors~~ **INSPECTOR**.

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

(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.

(g) A part-time inspector shall receive ~~the~~ salary [of \$13,900 annually] ~~THAT IS AS PROVIDED IN THE COUNTY BUDGET.~~

26-206.1.

~~(A) IN THIS SECTION, "DIRECT OR INDIRECT INTEREST" MEANS AN INTEREST THAT IS:~~

~~(1) PROPRIETARY;~~

~~(2) OBTAINED BY A LOAN, MORTGAGE, OR LIEN OR IN ANY OTHER MANNER; OR~~

~~(3) BENEFICIALLY OWNED THROUGH AN INVESTMENT VEHICLE, ESTATE, TRUST, OR OTHER INTERMEDIARY WHEN THE BENEFICIARY DOES NOT CONTROL THE INTERMEDIARY OR MAY SUPERVISE OR PARTICIPATE IN THE INTERMEDIARY'S INVESTMENT DECISIONS.~~

~~(B)~~ (1) A MEMBER OF THE BOARD IS SUBJECT TO THE RESTRICTIONS ON EARNED INCOME THAT A FILED CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY, A MEMBER-ELECT OF THE GENERAL ASSEMBLY, AND A MEMBER OF THE GENERAL ASSEMBLY ARE SUBJECT TO UNDER § 5-514(A)(1) OF THE GENERAL PROVISIONS ARTICLE.

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

~~(C)~~ (B) AN ACTION OF A MEMBER, AN INSPECTOR, OR AN EMPLOYEE OF THE BOARD IS SUBJECT TO STATE REQUIREMENTS OF THE PUBLIC INFORMATION ACT UNDER TITLE 3 4 OF THE GENERAL PROVISIONS ARTICLE.

26-209.

(A) ALL MEMBERS, EMPLOYEES, AND INSPECTORS OF THE BOARD ARE SUBJECT TO THE COUNTY'S PUBLIC ETHICS LAWS ENACTED UNDER § 5-807 OF THE

GENERAL PROVISIONS ARTICLE TO THE SAME EXTENT AS A LOCAL OFFICIAL OF THE COUNTY.

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

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

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

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

(I) INVESTIGATE THE COMPLAINT; AND

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

Article – General Provisions

5–809.

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

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

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

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

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

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

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

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

Article – State Government

2-1220.

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

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

2-1223.

(a) (1) Except as prohibited by the federal Internal Revenue Code, during an examination, the employees or authorized representatives of the Office of Legislative Audits shall have access to and may inspect the records, including those that are confidential by law, of any unit of the State government or of a person or other body receiving State funds, with respect to any matter under the jurisdiction of the Office of Legislative Audits.

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

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

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

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

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

2-1224.

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

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

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

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

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

(2) A report shall include:

(i) the findings;

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

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

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

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

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

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

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

(5) the Comptroller;

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

(7) the Attorney General, unless the report is of the Board of Liquor License Commissioners for Baltimore City OR THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE'S COUNTY;

(8) the unit or body that is the subject of the report;

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

(10) the Executive Director; and

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

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

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

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

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

(I) THE PRINCE GEORGE'S COUNTY COUNCIL;

(II) THE PRINCE GEORGE'S COUNTY EXECUTIVE;

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

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

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

(a) The term 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 April 30, 2017 the effective date of this Act.

~~SECTION 3. AND BE IT FURTHER ENACTED, That the terms of office of the initial members of the Board of License Commissioners for Prince George's County who are appointed on or after April 30, 2017, shall expire as follows:~~

- ~~(1) two members on April 30, 2018;~~
- ~~(2) two members on April 30, 2019; and~~
- ~~(3) one member on April 30, 2020.~~

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

SECTION 3. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

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

SECTION 4 ~~5~~. 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 ye 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.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 27, 2017.