

SB0488/763094/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 488
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “after a certain” and substitute “subject to confirmation by the Prince George’s County Council; requiring a confirmation”; strike beginning with the second “;” in line 5 down through “member” in line 8 and substitute “before the Prince George’s County Council to be held within a certain time; requiring members”; strike beginning with “provisions” in line 9 down through “appointment” in line 11 and substitute “certain appointment procedures for members of the Board”; strike beginning with “transmitting” in line 13 down through “Board” in line 14 and substitute “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”; in line 14, after “Executive” insert “, rather than the Governor,”; and in line 15, after “circumstances;” insert “providing that a vacancy appointment is subject to a certain confirmation hearing;”.

On pages 1 and 2, strike beginning with “requiring” in line 17 on page 1 down through “inspector” in line 6 on page 2 and substitute “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 County Council from adopting a certain policy; 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”.

On page 2, in line 6, after “providing” insert “that”; in line 10, after “filed;” insert “requiring that the Office of Legislative Audits conduct a certain audit of the Board and focus on certain matters; authorizing the employees and authorized representatives of”

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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 be sent to certain persons;"; in line 12, after "Act;" insert "requiring the County Executive to employ an outside professional consultant to review certain standard operating procedures, make a certain comparison, and recommend certain changes;"; in line 13, after "changes;" insert "defining a certain term; altering a certain definition;"; strike beginning with "the" in line 13 down through the second "of" in line 14; in line 23, strike ", 26-205, and" and substitute "through"; in line 28, after "Section" insert "26-206.1 and"; and after line 30, insert:

"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)

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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)”.

AMENDMENT NO. 2

On page 2, in line 38, after “Board” insert “**SUBJECT TO CONFIRMATION BY THE COUNTY COUNCIL**”.

On page 3, strike beginning with “The” in line 1 down through “VACANT” in line 12 and substitute:

“(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 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”.

On pages 3 and 4, strike beginning with “(1)” in line 13 on page 3 down through “(3)” in line 10 on page 4 and substitute “**(1)**”.

On page 4, after line 13, insert:

“(2) EACH MEMBER OF THE BOARD SHALL HAVE:

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- (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.”;

in line 25, strike “or”; and in line 29, after “holder” insert “;

(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”.

On page 5, in line 6, strike the brackets; strike beginning with the semicolon in line 7 down through “BOARD” in line 8; after line 11, insert:

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

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after line 16, insert:

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

in line 23, strike the brackets; in the same line, strike “**COUNTY ATTORNEY**”; and in line 24, after the closing bracket insert “**COUNTY EXECUTIVE’S**”.

On page 6, after line 5, insert:

“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

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(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.]”;

in line 7, strike “Board” and substitute “**DIRECTOR**”; in line 14, strike “an” and substitute “**A**”; in lines 14, 15, 17, and 20, in each instance, strike “**EXECUTIVE**”; in line 17, strike “**SHALL**” and substitute “**MAY**”; in line 19, strike “**SET FORTH**” and substitute “**PROVIDED**”; after line 23, insert:

“(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.”;

and in line 25, strike “**IN AN AMOUNT**”.

On page 8, in line 16, strike “Board” and substitute “**DIRECTOR**”; and in the same line, strike “its” and substitute “**THE BOARD’S**”.

On page 9, in line 13, strike “**UP TO**”; and after line 20, insert:

“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) 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 OF THE GENERAL PROVISIONS ARTICLE.”

On page 10, after line 5, insert:

“Article – General Provisions

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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.

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(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.

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(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;

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(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.”;

in line 6, strike “the terms” and substitute “:

(a) The term”;

after line 9, insert:

“(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

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Council, the Prince George's County House Delegation to the General Assembly, and the Prince George's County Senate Delegation to the General Assembly.”;

and in line 10, strike “3.” and substitute “4.”.