

SENATE BILL 580

A2

EMERGENCY BILL

11r2182
CF HB 953

By: **Senator Edwards**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2011

CHAPTER _____

1 AN ACT concerning

2 **Allegany County – Alcoholic Beverages – ~~Music Promoter~~ 1-Day Special**
3 **License**

4 FOR the purpose of authorizing the Allegany County Board of License Commissioners
5 to grant a certain 1-day special license for use at an entertainment event ~~held~~
6 ~~by a music promoter~~; limiting the duration of a certain license; authorizing the
7 Allegany County Board of County Commissioners to determine the amount of a
8 certain fee based on a certain recommendation; requiring license holders to
9 exercise the privileges of the license on county-owned property; requiring the
10 Board of County Commissioners to ~~donate~~ distribute a certain amount of a
11 certain license fee to the Board of License Commissioners and donate the
12 balance of a certain license fee to a certain nonprofit charitable organization;
13 requiring license holders, with the approval of the Board of County
14 Commissioners, to designate the recipient of a certain donation; requiring that
15 application for a certain license be made not less than a certain number of days
16 before a certain date; making this Act an emergency measure; and generally
17 relating to the establishment of a 1-day special license in Allegany County.

18 BY repealing and reenacting, without amendments,
19 Article 2B – Alcoholic Beverages
20 Section 7-101(a)
21 Annotated Code of Maryland
22 (2005 Replacement Volume and 2010 Supplement)

23 BY repealing and reenacting, with amendments,

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.



1 Article 2B – Alcoholic Beverages
2 Section 7–101(h)
3 Annotated Code of Maryland
4 (2005 Replacement Volume and 2010 Supplement)

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

7 **Article 2B – Alcoholic Beverages**

8 7–101.

9 (a) (1) On approval by the board of license commissioners for that
10 jurisdiction, if any, of a proper application, made on forms prescribed by the State
11 Comptroller, signed and sworn to, the license issuing authority may grant the types of
12 special licenses for the periods and at the fees specified in this section.

13 (2) For an application for a statewide license, the Comptroller may
14 grant the license.

15 (3) In Anne Arundel County, the provisions of §§ 10–103(b) and
16 10–202 of this article and § 10–501 of the State Government Article do not apply to an
17 applicant for a special Class C beer license, special Class C beer and wine license, or
18 special Class C beer, wine and liquor license for a period not to exceed 7 consecutive
19 days from the effective date of the license.

20 (h) (1) The provisions of this subsection apply only in Allegany County.

21 (2) The Board of License Commissioners may grant special licenses of
22 any class, except manufacturer’s and wholesaler’s, which entitles their holder to
23 exercise any of the privileges conferred by the respective classes of licenses at any
24 bona fide entertainment held or conducted by any club, society, or association at the
25 place described in the license, for a period not exceeding seven consecutive days from
26 the effective date of the license, upon the payment, before the license is issued, to the
27 Board of License Commissioners of a fee of:

28 (i) \$20 per day for any beer or beer and light wine license; or

29 (ii) \$50 per day, for not more than 14 consecutive days, for any
30 beer, wine and liquor license.

31 (3) (i) The Board of License Commissioners may issue a special
32 permit to holders of Class D beer and Class D beer and light wine licenses that allows
33 the sale of beer, wine and liquor by the drink for consumption on the premises.

34 (ii) A holder of this special permit may continue to sell beer or
35 beer and wine for consumption on or off the premises, but the holder may not sell

1 liquor for consumption off the premises, or purchase or possess liquor on the premises
2 in any size container smaller than 23 ounces or 680 milliliters.

3 (iii) Application for this special permit shall be made not less
4 than 30 days prior to the day on which the permit is to take effect.

5 (iv) The annual fee for this special permit is \$500.

6 (4) (I) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A
7 1-DAY SPECIAL RETAIL LICENSE OF ANY CLASS THAT ENTITLES THE HOLDER TO
8 EXERCISE ANY PRIVILEGE CONFERRED BY THAT CLASS OF LICENSE AT A BONA
9 FIDE ENTERTAINMENT EVENT ~~HELD BY A MUSIC PROMOTER.~~

10 (II) THE LICENSE IS VALID FOR A PERIOD NOT EXCEEDING 5
11 CONSECUTIVE DAYS.

12 (III) THE FEE FOR THE LICENSE SHALL BE SET BY THE
13 BOARD OF COUNTY COMMISSIONERS ON THE RECOMMENDATION OF THE
14 BOARD OF LICENSE COMMISSIONERS.

15 (IV) THE LICENSE HOLDER MAY EXERCISE THE PRIVILEGES
16 OF THE LICENSE ONLY ON COUNTY-OWNED PROPERTY.

17 (V) THE BOARD OF COUNTY COMMISSIONERS SHALL:

18 1. DISTRIBUTE \$100 OF THE LICENSE FEE TO THE
19 BOARD OF LICENSE COMMISSIONERS; AND

20 ~~2. DONATE THE BALANCE OF THE LICENSE FEE TO A~~
21 ~~BONA FIDE NONPROFIT CHARITABLE ORGANIZATION THAT IS TAX EXEMPT~~
22 ~~UNDER § 501(C)(3) OR (4) OF THE UNITED STATES INTERNAL REVENUE CODE;~~
23 ~~AND~~

24 ~~2. DESIGNATE THE BONA FIDE CHARITABLE~~
25 ~~ORGANIZATION TO BE THE RECIPIENT OF THE DONATION.~~

26 (VI) THE LICENSE HOLDER, WITH THE APPROVAL OF THE
27 COUNTY COMMISSIONERS, SHALL DESIGNATE THE BONA FIDE CHARITABLE
28 ORGANIZATION TO BE THE RECIPIENT OF THE DONATION UNDER
29 SUBPARAGRAPH (V) OF THIS PARAGRAPH.

30 ~~(VI)~~ (VII) TO QUALIFY FOR THE LICENSE, A PERSON SHALL
31 SUBMIT AN APPLICATION NOT LESS THAN 30 DAYS BEFORE THE DAY ON WHICH
32 THE LICENSE IS TO TAKE EFFECT.

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1 SECTION 2. 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,
3 has been passed by a yea and nay vote supported by three-fifths of all the members
4 elected to each of the two Houses of the General Assembly, and shall take effect from
5 the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.