

Chapter 183

(Senate Bill 131)

AN ACT concerning

Harford County Liquor Control Board – Reserve Account

FOR the purpose of establishing a Reserve Account of the Harford County Liquor Control Board as a special, nonlapsing account; specifying the purpose of the Reserve Account; requiring a designee of the Board to administer the Reserve Account; requiring the Board to hold the Reserve Account separately and account for the Reserve Account; specifying the contents of the Reserve Account; specifying a certain maximum amount that is payable annually into the Reserve Account; specifying the circumstances under which expenditures from the Reserve Account may occur; stating a certain maximum amount that the Reserve Account may hold at any time; requiring that fines imposed or recognizances forfeited for certain violations be payable to the Board; defining certain terms; making certain stylistic changes; clarifying language; and generally relating to the Reserve Account of the Harford County Liquor Control Board.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–204(n) and 16–502(a)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

Article 2B – Alcoholic Beverages

10–204.

(n) (1) (i) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(ii) “BOARD” MEANS THE HARFORD COUNTY LIQUOR CONTROL BOARD.

(iii) “RESERVE ACCOUNT” MEANS THE RESERVE ACCOUNT OF THE HARFORD COUNTY LIQUOR CONTROL BOARD.

~~[(1)]~~ **(2)** The provisions of this subsection apply only in Harford County.

~~[(2)]~~ **(3)** ~~[The]~~ **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE** net proceeds of all funds received by the Board from the sale of licenses under the provisions of this article, outside of the corporate limits of the municipalities of Aberdeen, Bel Air and Havre de Grace, shall be paid to the Treasurer and credited to the general funds of the county.

(4) (I) THERE IS A RESERVE ACCOUNT OF THE BOARD.

(II) THE PURPOSE OF THE RESERVE ACCOUNT IS TO ENSURE THAT ISSUANCE AND RENEWAL OF LICENSES, LICENSING ENFORCEMENT, AND OTHER SERVICES THAT THE BOARD PROVIDES WILL CONTINUE TO BE MET IN THE FACE OF UNANTICIPATED FINANCIAL EVENTS OR CIRCUMSTANCES.

(III) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE RESERVE ACCOUNT.

(IV) THE RESERVE ACCOUNT IS A SPECIAL, NONLAPSING ACCOUNT.

(V) THE BOARD SHALL HOLD THE RESERVE ACCOUNT SEPARATELY AND ACCOUNT FOR THE RESERVE ACCOUNT.

(VI) THE RESERVE ACCOUNT CONSISTS OF:

1. MONEY DISTRIBUTED TO THE BOARD FROM LICENSE FEES;

2. FINES IMPOSED FOR A VIOLATION OF THIS ARTICLE IN HARFORD COUNTY UNDER § 16-502(A)(3) OF THIS ARTICLE;

3. EXCEPT FOR BONDS FORFEITED UNDER § 14-101(C) OF THIS ARTICLE, RECOGNIZANCES FORFEITED FOR A VIOLATION OF THIS ARTICLE IN HARFORD COUNTY UNDER § 16-502(A)(3) OF THIS ARTICLE;

4. INTEREST OR OTHER INCOME EARNED FROM THE INVESTMENT OF ANY PORTION OF THE RESERVE ACCOUNT; AND

5. ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE RESERVE ACCOUNT.

(VII) EACH YEAR, THE AMOUNT PAYABLE INTO THE RESERVE ACCOUNT MAY NOT BE MORE THAN 20% OF THE AGGREGATE NET PROCEEDS RECEIVED BY THE BOARD.

(VIII) EXPENDITURES FROM THE RESERVE ACCOUNT MAY OCCUR IF THE BOARD DETERMINES THAT APPROPRIATIONS FOR THE CURRENT YEAR EXCEED EXPECTED REVENUES.

(IX) THE RESERVE ACCOUNT MAY NOT EXCEED \$100,000 AT ANY TIME.

[(3)] (5) The net proceeds of the funds derived from the sale of licenses within the corporate limits of the municipalities of Aberdeen, Bel Air and Havre de Grace, after the deduction of a proportionate part of the expenses incident to the proper administration and enforcement of this article, shall be paid by the Board to the treasurers of the respective towns, to be applied to the payment of the interest and the redemption of the principal of any bonded indebtedness.

[(4)] (6) All expenses incident to the proper administration and enforcement of this article, including the salaries of the members of the Board, and the proper proportion of the salaries of any employees of the Board, whose duties include the handling of licenses, including the salaries of officers, inspectors, etc., shall be deducted proportionately from the shares of the license fees payable as set forth in this subsection, to the general funds of the county and the governing bodies of the three municipalities.

[(5)] (7) (i) Prior to the beginning of each fiscal year, the Board shall submit an annual budget to the County Council and County Executive for review.

(ii) Except as provided under § 15-205(i)(3) of this article, the budget is not subject to approval by the County Council or County Executive.

(iii) The expenditure of license fees collected by the Board for the administration and enforcement of county liquor laws is a matter entirely within the sound discretion of the Board and the provisions of this subsection.

16-502.

(a) All fines imposed or recognizances forfeited for any violation of any provision of this article shall be payable to:

(1) EXCEPT FOR HARFORD COUNTY, the county in which the offense was committed[, or to];

(2) Baltimore City, if the offense was committed in [said city]
BALTIMORE CITY; OR

(3) THE HARFORD COUNTY LIQUOR CONTROL BOARD, IF THE OFFENSE WAS COMMITTED IN HARFORD COUNTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013.

Approved by the Governor, May 2, 2013.