

# SENATE BILL 846

A2

EMERGENCY BILL  
ENROLLED BILL

(4lr1061)

— *Education, Health, and Environmental Affairs/Economic Matters* —

Introduced by **Senator Jones–Rodwell**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Baltimore City – Alcoholic Beverages Act of 2014**

3 FOR the purpose of authorizing the Board of Liquor License Commissioners for  
4 Baltimore City to waive a certain food requirement for a restaurant owned and  
5 operated by a not-for-profit organization in a certain area of the City;  
6 ~~prohibiting the issuance of certain licenses and the removal of certain licenses~~  
7 ~~to sell alcoholic beverages in certain buildings within a certain distance of a~~  
8 ~~substance abuse treatment center;~~ authorizing the Board to waive certain  
9 restrictions on license transfers in certain areas under certain circumstances;  
10 prohibiting, beginning on a certain date, certain alcoholic beverages licenses  
11 from being issued within or transferred into a certain area; requiring the Board  
12 or its designee to examine each application for the issuance or transfer of a  
13 license within a certain time; specifying requirements to be met before an  
14 application for the issuance, transfer, or renewal of a license may be considered  
15 complete; specifying certain requirements to be met before a certain hearing;

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#### 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.

*Italics* indicate opposite chamber/conference committee amendments.



1 providing procedures for making changes to an application; requiring the Board  
2 to digitize and post online certain records by a certain date and adopt certain  
3 regulations; requiring that certain revenue be payable to the director of finance;  
4 requiring the Board to submit a budget request to the City annually in a certain  
5 form and to provide certain other material to the City; requiring the Board to  
6 ensure that each fee or fine that the Board imposes and collects is prominently  
7 listed on the Web site of the Board; requiring the Mayor and City Council to  
8 pay, from the general fund of the City that includes revenue from the Board, the  
9 salaries and expenses of the Board and its employees and devote the balance of  
10 the revenue from the Board to the general purposes of the City; requiring the  
11 Board annually to establish performance measures for certain activities;  
12 requiring the Board to make the performance measures available to the public  
13 on a certain Web site; requiring that on request, the Board submit certain  
14 reports to the Office of Legislative Audits; providing for certain salaries and  
15 benefits for members of the Board; requiring the Board to employ an executive  
16 secretary and deputy executive secretary based on certain criteria; repealing  
17 certain restrictions concerning the removal of the executive secretary and  
18 deputy executive secretary; repealing a requirement that the executive  
19 secretary or the deputy executive secretary be a member of the State Bar;  
20 prohibiting a member or employee of the Board from having certain financial  
21 interests or soliciting or receiving certain items from certain persons; requiring  
22 a member of the Board to resign under certain circumstances; requiring, under  
23 certain circumstances, a member of the Board to certify to the City Board of  
24 Elections that the individual is no longer a member of the Board; specifying that  
25 the Board or its designee performs certain tasks, including reviewing the zoning  
26 of licenses; requiring a certain period for public comment before the Board may  
27 adopt a regulation; requiring that regulations adopted by the Board be posted  
28 online; requiring the Board to review its regulations at a certain time for a  
29 certain purpose; repealing the requirement that the Board employ and set  
30 salaries for certain part-time inspectors; requiring the Board to employ certain  
31 individuals; providing for the salary of the position of attorney; specifying that  
32 certain employees of the Board are in the classified civil service of the City;  
33 requiring that, to the extent possible, all employees of the Board be residents of  
34 the City; requiring the Board to provide to the director of finance certain  
35 information; requiring the Board to determine the salaries of the employees of  
36 the Board under certain circumstances; specifying that the Board may consider  
37 an employee's performance and experience in determining the appropriate  
38 salary level; repealing a certain pay schedule for certain employees of the  
39 Board; specifying that the Board consists of a certain number of regular and  
40 alternate members; providing for the qualifications, term, and appointment of  
41 the members; defining certain terms; altering a certain definition; making  
42 certain stylistic *and conforming* changes; making this Act an emergency  
43 measure; providing for the effective date of certain provisions of this Act;  
44 providing for the termination of certain provisions of this Act; and generally  
45 relating to alcoholic beverages and the Board of Liquor License Commissioners  
46 for Baltimore City.

1 BY repealing and reenacting, without amendments,  
 2 Article 2B – Alcoholic Beverages  
 3 Section 1–102(a)(1)  
 4 Annotated Code of Maryland  
 5 (2011 Replacement Volume and 2013 Supplement)

6 BY repealing and reenacting, with amendments,  
 7 Article 2B – Alcoholic Beverages  
 8 Section 1–102(a)(22)(i), 9–204.3, 10–204(d), 15–101(d), 15–109(d), and  
 9 15–112(d)  
 10 Annotated Code of Maryland  
 11 (2011 Replacement Volume and 2013 Supplement)

12 BY adding to  
 13 Article 2B – Alcoholic Beverages  
 14 Section ~~9–204.1(i)~~ and 10–202(a)(4)  
 15 Annotated Code of Maryland  
 16 (2011 Replacement Volume and 2013 Supplement)

17 BY repealing and reenacting, with amendments,  
 18 Article – State Government  
 19 Section 15–807(a)  
 20 Annotated Code of Maryland  
 21 (2009 Replacement Volume and 2013 Supplement)

22 BY repealing and reenacting, with amendments,  
 23 Article – General Provisions  
 24 Section 5–801(c)(1)  
 25 Annotated Code of Maryland  
 26 (As enacted by Chapter (H.B. 270) of the Acts of the General Assembly of  
 27 2014)

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

30 **Article 2B – Alcoholic Beverages**

31 1–102.

32 (a) (1) In this article the following words have the meanings indicated.

33 (22) (i) 1. “Restaurant” means an establishment:

34 A. Which accommodates the public;

35 B. Which is equipped with a dining room with facilities  
 36 for preparing and serving regular meals; and

1 C. In which the average daily receipts from the sale of  
2 foods exceed the average daily receipts from the sale of alcoholic beverages.

3 2. However the board of license commissioners in any  
4 county by regulation may prescribe a different standard as to what constitutes a  
5 restaurant.

6 3. [For] **SUBJECT TO SUBSUBPARAGRAPH 4 OF THIS**  
7 **SUBPARAGRAPH, FOR** a restaurant in Baltimore City, the average daily receipts from  
8 the sale of food must be at least 40% of the total daily receipts of the establishment.

9 4. **THE BOARD OF LIQUOR LICENSE**  
10 **COMMISSIONERS FOR BALTIMORE CITY MAY WAIVE THE FOOD REQUIREMENT**  
11 **SPECIFIED UNDER SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH FOR A**  
12 **RESTAURANT OWNED AND OPERATED BY A NOT-FOR-PROFIT ORGANIZATION IN**  
13 **THE AREA BOUNDED BY SOUTH ELLWOOD AVENUE ON THE WEST, BANK**  
14 **STREET ON THE NORTH, SOUTH BOULDIN STREET ON THE EAST, AND FLEET**  
15 **STREET ON THE SOUTH.**

16 9-204.1.

17 (I) BEGINNING JULY 1, ~~2014~~ 2015, A NEW ALCOHOLIC BEVERAGES  
18 LICENSE MAY NOT BE ISSUED WITHIN AND AN EXISTING LICENSE MAY NOT BE  
19 TRANSFERRED INTO THE AREA ~~SURROUNDED~~ BOUNDED BY NORTHERN  
20 PARKWAY ~~TO~~ ON THE NORTH, BELLONA AVENUE ON THE WEST, ORKNEY ROAD  
21 ~~TO~~ ON THE SOUTH, AND EVESHAM AVENUE ON THE EAST.

22 9-204.3.

23 ~~(a) (1) Except as OTHERWISE provided in [paragraph (2) of this~~  
24 ~~subsection] THIS SECTION, in Baltimore City, no new license, or removal of an~~  
25 ~~existing license, shall be granted to sell alcoholic beverages in any building located~~  
26 ~~within 300 feet of the nearest point of the buildings of a church or school, but the~~  
27 ~~license of any person now holding a license for any building located within such~~  
28 ~~distance of the building grounds of a church or school may be renewed or extended for~~  
29 ~~the same building;~~

30 ~~(I) A NEW LICENSE MAY NOT BE ISSUED FOR AND AN~~  
31 ~~EXISTING LICENSE MAY NOT BE MOVED TO A BUILDING WITHIN 300 FEET OF~~  
32 ~~THE NEAREST POINT OF A BUILDING OF A PLACE OF WORSHIP OR SCHOOL; AND~~

33 ~~(II) A NEW LICENSE OTHER THAN A CLASS B RESTAURANT~~  
34 ~~LICENSE MAY NOT BE ISSUED FOR AND AN EXISTING LICENSE OTHER THAN A~~

~~1 CLASS B RESTAURANT LICENSE MAY NOT BE MOVED TO A BUILDING WITHIN 300~~  
~~2 FEET OF THE NEAREST POINT OF A SUBSTANCE ABUSE TREATMENT CENTER.~~

3           (a)   (1)   *Except as OTHERWISE provided in [paragraph (2) of this*  
 4 *subsection] THIS SECTION, in Baltimore City, no new license, or removal of an existing*  
 5 *license, shall be granted to sell alcoholic beverages in any building located within 300*  
 6 *feet of the nearest point of the buildings of a church or school, but the license of any*  
 7 *person now holding a license for any building located within such distance of the*  
 8 *building grounds of a church or school may be renewed or extended for the same*  
 9 *building.*

10                   (2)   In the 45th Legislative District in Baltimore City, a new Class A  
 11 license of any type may not be issued for the sale of alcoholic beverages in a building  
 12 located within 500 feet of the nearest point of the building of a place of worship or  
 13 school.

14           (b)   The restrictions regarding distance in subsection (a)(1) of this section do  
 15 not apply to the following licenses, which may be issued within the 300 feet limitation:

16                   (1)   Except in the 46th Legislative District, Class B beer and wine;

17                   (2)   Except in the 46th Legislative District, Class B beer, wine and  
 18 liquor;

19                   (3)   Class C beer and wine; and

20                   (4)   Class C beer, wine and liquor.

21           (c)   Except in the 46th Legislative District, the governing body of any church  
 22 in writing may waive the restrictions of this section regarding licenses not specified in  
 23 subsection (b) with respect to cafes or restaurants located within 250 feet of a theater  
 24 having a capacity of not less than 300 seats, which theater is operated by a nonprofit  
 25 theater association.

26           (D)   (1)   **THIS SUBSECTION APPLIES ONLY TO AN AREA BOUNDED BY:**

27                           (I)   **HIGH STREET ON THE WEST, FAWN STREET ON THE**  
 28 **NORTH, CENTRAL AVENUE ON THE EAST, AND EASTERN AVENUE ON THE**  
 29 **SOUTH; OR**

30                           (II)   **WEST CROSS STREET ON THE WEST, CLIFFORD STREET**  
 31 **ON THE NORTH, SCOTT STREET ON THE EAST, AND CARROLL STREET ON THE**  
 32 **SOUTH.**

33                   (2)   **THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR**  
 34 **BALTIMORE CITY MAY WAIVE THE RESTRICTIONS OF THIS SECTION REGARDING**

1 DISTANCE IN SUBSECTION (A)(1) OF THIS SECTION FOR AN APPLICATION FOR A  
 2 LICENSE TRANSFER INTO AN AREA SPECIFIED IN PARAGRAPH (1) OF THIS  
 3 SUBSECTION IF:

4 (I) THE APPLICATION IS APPROVED BY:

5 1. EACH COMMUNITY ASSOCIATION REPRESENTING  
 6 THE AREA;

7 2. EACH BUSINESS ASSOCIATION IN THE AREA; AND

8 3. THE PASTOR AND CHURCH BOARD OF DIRECTORS  
 9 OR PASTORAL COUNCIL FOR EACH CHURCH WITHIN 300 FEET OF THE  
 10 PROPOSED LOCATION FOR THE ESTABLISHMENT FOR WHICH THE LICENSE  
 11 TRANSFER IS SOUGHT; AND

12 (II) A MEMORANDUM OF UNDERSTANDING IS EXECUTED BY  
 13 THE APPLICANT FOR THE LICENSE TRANSFER AND EACH COMMUNITY  
 14 ASSOCIATION IN THE AREA.

15 10-202.

16 (a) (4) (I) THIS PARAGRAPH APPLIES ONLY IN BALTIMORE CITY.

17 (II) IN THIS PARAGRAPH, "BOARD" MEANS THE BOARD OF  
 18 LIQUOR LICENSE COMMISSIONERS.

19 (III) THE BOARD OR THE BOARD'S DESIGNEE SHALL  
 20 EXAMINE EACH APPLICATION FOR THE ISSUANCE OR TRANSFER OF A LICENSE  
 21 WITHIN 45 DAYS OF RECEIPT OF THE APPLICATION TO DETERMINE WHETHER  
 22 THE APPLICATION IS COMPLETE.

23 (IV) AN APPLICATION FOR THE ISSUANCE, TRANSFER, OR  
 24 RENEWAL IS NOT COMPLETE UNLESS THE APPLICANT HAS:

25 1. OBTAINED ZONING APPROVAL OR VERIFICATION  
 26 OF ZONING IF THE APPLICATION IS FOR RENEWAL;

27 2. SUBMITTED ALL DOCUMENTS REQUIRED IN THE  
 28 APPLICATION; AND

29 3. PAID ALL FINES AND FEES THAT ARE DUE.

1                   (v) 1. A LICENSE HEARING MAY NOT BE SCHEDULED  
2 UNLESS THE BOARD DETERMINES THAT THE APPLICATION IS COMPLETE.

3                   2. A COMPLETE APPLICATION WITH ALL SUBMITTED  
4 DOCUMENTS SHALL BE POSTED ONLINE AT LEAST 14 DAYS BEFORE THE  
5 HEARING DATE.

6                   (vi) THE POSTPONEMENT OF A HEARING SHALL BE POSTED  
7 ONLINE NOT LESS THAN 72 HOURS BEFORE THE HEARING DATE.

8                   (vii) 1. TO INCORPORATE A CHANGE IN THE  
9 APPLICATION DOCUMENT AFTER THE BOARD OR THE BOARD'S DESIGNEE HAS  
10 DETERMINED THE APPLICATION TO BE COMPLETE, THE APPLICANT SHALL  
11 SUBMIT THE CHANGE TO THE BOARD NOT LATER THAN 15 DAYS BEFORE THE  
12 SCHEDULED HEARING.

13                   ~~2. AN APPLICANT MAY OFFER A LATER CHANGE TO~~  
14 ~~THE APPLICATION ON THE RECORD AT THE HEARING.~~

15                   ~~3.~~ 2. AFTER THE HEARING ON THE APPLICATION, AN  
16 APPLICANT MAY CHANGE THE APPLICATION ONLY AT A NEW HEARING.

17                   (viii) THE BOARD SHALL:

18                   1. STARTING ON JULY 1, 2015, DIGITIZE AND POST  
19 ONLINE ALL RECORDS FOR PUBLIC REVIEW; AND

20                   2. ADOPT REGULATIONS TO CARRY OUT THIS  
21 SUBPARAGRAPH.

22                   (ix) THE BOARD SHALL IMPOSE A FINE THAT IT  
23 DETERMINES FOR FAILURE TO COMPLY WITH THE REQUIREMENTS UNDER THIS  
24 PARAGRAPH.

25 10-204.

26                   (d) (1) IN THIS SUBSECTION, "BOARD" MEANS THE BOARD OF  
27 LIQUOR LICENSE COMMISSIONERS OF BALTIMORE CITY.

28                   (2) THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY.

29                   (3) THE REVENUE FROM LICENSE FEES, PERMIT FEES, FINES,  
30 AND ADVERTISING FEES SHALL BE PAYABLE TO THE DIRECTOR OF FINANCE.

1           **(4) THE BOARD SHALL:**

2                   **(I) SUBMIT A BUDGET REQUEST TO BALTIMORE CITY**  
3 **ANNUALLY IN THE FORM THAT THE DIRECTOR OF FINANCE REQUIRES; AND**

4                   **(II) PROVIDE ADDITIONAL BUDGET JUSTIFICATION**  
5 **MATERIAL THAT THE DIRECTOR OF FINANCE REQUESTS.**

6           **(5) THE BOARD SHALL ENSURE THAT EACH FEE OR FINE THAT**  
7 **THE BOARD IMPOSES AND COLLECTS IS PROMINENTLY LISTED ON THE WEB**  
8 **SITE OF THE BOARD.**

9           **(6) [In Baltimore City the] THE Mayor and City Council of Baltimore**  
10 **shall [pay]:**

11                   **(I) PAY from the [receipts] GENERAL FUND OF BALTIMORE**  
12 **CITY THAT INCLUDES REVENUE FROM THE BOARD,** the salaries and **EXPENSES** of  
13 the Board [of License Commissioners of Baltimore City] and its employees[, as  
14 approved by the State Comptroller]; **AND**

15                   **(II) DEVOTE THE BALANCE OF THE REVENUE FROM THE**  
16 **BOARD TO THE GENERAL PURPOSES OF THE CITY.**

17           **(7) (I) THE BOARD ANNUALLY SHALL ESTABLISH**  
18 **PERFORMANCE MEASURES USING THE CITISTAT PROGRAM OF THE CITY OF**  
19 **BALTIMORE FOR SUCH ACTIVITIES AS:**

20                           1. **FINANCIAL MANAGEMENT;**

21                           2. **ISSUANCE OF LICENSES; AND**

22                           3. **ENFORCEMENT OF ALCOHOLIC BEVERAGES LAWS.**

23                   **(II) THE BOARD SHALL MAKE THE PERFORMANCE**  
24 **MEASURES AVAILABLE TO THE PUBLIC ON THE OPEN BALTIMORE WEB SITE.**

25           **(8) ON REQUEST, THE BOARD SHALL SUBMIT TO THE OFFICE OF**  
26 **LEGISLATIVE AUDITS PERFORMANCE ACCOUNTABILITY REPORTS TO ENSURE**  
27 **THAT THE BOARD IS ON TRACK TO MEET ITS ANNUAL PERFORMANCE**  
28 **MEASURES.**

29 15-109.

30           (d) In Baltimore City:

1           (1)   **(I)**   The chairman **AND EACH OTHER REGULAR MEMBER** of  
2 the Board shall receive an annual salary [of] **THAT:**

3                           **1.    IS NOT LESS THAN \$28,500**[, and the other members  
4 of the Board shall receive an annual salary of \$28,000];

5                           **2.    IS SET IN THE ORDINANCE OF ESTIMATES; AND**

6                           **3.    INCLUDES ANY COST OF LIVING INCREASE**  
7 **AVAILABLE TO MEMBERS OF THE CITY COUNCIL.**

8                           **(II)   THE ALTERNATE MEMBER OF THE BOARD SHALL**  
9 **RECEIVE AN ANNUAL SALARY OF \$16,000.**

10           (2)   The chairman and the other members of the Board **EXCEPT THE**  
11 **ALTERNATE MEMBER** are eligible to receive the same health benefits that full-time  
12 [liquor inspectors] **EMPLOYEEES** of the Board receive.

13           (3)   The Board shall [appoint] **EMPLOY** an executive secretary and a  
14 deputy executive secretary whose salaries shall be fixed by the Board[, subject to  
15 approval by the State Comptroller].

16           (4)   The executive secretary and the deputy executive secretary shall  
17 be residents of Baltimore City and of high character and integrity.

18           (5)   The executive secretary and the deputy executive secretary shall  
19 be [appointed] **EMPLOYED** upon the basis of their executive skill and [ability and once  
20 appointed shall hold office during good behavior regardless of changes in members  
21 constituting the Board. They shall be removed only for incompetency or immorality  
22 upon charges furnished in writing by the Board setting forth the grounds for dismissal  
23 and after opportunity for hearing] **EXPERIENCE.**

24           ~~(6)   Either the executive secretary or the deputy executive secretary~~  
25 ~~shall be a member of the Bar of this State.~~

26 15-112.

27           (d)   (1)   This subsection applies only in Baltimore City.

28                           (2)   A [commissioner] **MEMBER** or employee of the Board:

29                                   (i)   May not have any [interest,] direct or indirect[, either  
30 proprietary or by means of any loan, mortgage or lien, or in any other manner,]

1 INTEREST in or on any premises where alcoholic beverages are manufactured,  
2 distributed, or sold **WHETHER THE INTEREST IS:**

3 1. PROPRIETARY;

4 2. HELD BY MEANS OF A LOAN, MORTGAGE, OR LIEN;

5 3. BENEFICIALLY OWNED THROUGH AN  
6 INVESTMENT VEHICLE, ESTATE, TRUST, OR OTHER INTERMEDIARY WHEN THE  
7 BENEFICIARY DOES NOT CONTROL THE INTERMEDIARY OR MAY SUPERVISE OR  
8 PARTICIPATE IN THE INTERMEDIARY'S INVESTMENT DECISIONS; OR

9 4. HELD IN ANY OTHER MANNER;

10 (ii) May not have any interest, direct or indirect, in any  
11 business wholly or partially devoted to the manufacture, distribution, or sale of  
12 alcoholic beverages;

13 (iii) May not own any stock in any corporation which has any  
14 interest, proprietary or otherwise, direct or indirect, in any premises where alcoholic  
15 beverages are manufactured, distributed, or sold or in any business wholly or partially  
16 devoted to the manufacture, distribution, or sale of alcoholic beverages; [or]

17 (iv) May not receive any salary or other compensation or any  
18 other thing of value from a business engaged in the manufacture, distribution, or sale  
19 of alcoholic beverages;

20 (V) MAY NOT SOLICIT OR RECEIVE DIRECTLY OR  
21 INDIRECTLY OR ON BEHALF OF ANOTHER PERSON, A COMMISSION, POLITICAL  
22 CONTRIBUTION, REMUNERATION OR GIFT, FROM:

23 1. A PERSON WHO IS ENGAGED IN THE  
24 MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES; OR

25 2. AN AGENT OR EMPLOYEE OF A PERSON WHO IS  
26 ENGAGED IN THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC  
27 BEVERAGES; AND

28 (VI) SHALL COMPLY WITH BALTIMORE CITY PUBLIC ETHICS  
29 LAWS AND FINANCIAL DISCLOSURE PROVISIONS ENACTED BY THE MAYOR AND  
30 CITY COUNCIL.

31 (3) [An employee of the Board may not hold any other federal, State,  
32 or local public office or employment.

1           (4) A [commissioner] **MEMBER OR AN EMPLOYEE** of the Board may  
2 hold any other public office or employment, federal, State or local, unless that public  
3 office or employment would pose a conflict of interest.

4           (4) **A MEMBER OF THE BOARD WHO APPLIES FOR GOVERNMENT**  
5 **EMPLOYMENT THAT WOULD POSE A CONFLICT OF INTEREST AS DETERMINED BY**  
6 **THE BALTIMORE CITY BOARD OF ETHICS SHALL RESIGN FROM THE BOARD BY**  
7 **A LETTER ADDRESSED TO THE GOVERNOR.**

8           (5) (I) **ON FILING A CERTIFICATE OF CANDIDACY FOR**  
9 **ELECTION TO A PUBLIC OFFICE OR WITHIN 30 DAYS BEFORE THE FILING**  
10 **DEADLINE FOR THE PRIMARY ELECTION FOR THE PUBLIC OFFICE SOUGHT,**  
11 **WHICHEVER OCCURS LATER, AN INDIVIDUAL WHO IS A MEMBER OF THE BOARD**  
12 **OR AN EMPLOYEE OF THE BOARD SHALL CERTIFY TO THE CITY BOARD OF**  
13 **ELECTIONS UNDER OATH THAT THE INDIVIDUAL IS NO LONGER A MEMBER OF**  
14 **THE BOARD.**

15                       (II) **THE CERTIFICATION SHALL BE ACCOMPANIED BY A**  
16 **LETTER ADDRESSED TO THE GOVERNOR CONTAINING THE RESIGNATION OF**  
17 **THE MEMBER OF THE BOARD.**

18                       [[5]] (6) (i) Every employee of the Board:

19                                       1. Shall devote that employee's whole time and attention  
20 to the business of the Board during the hours designated by the Board for the  
21 performance of official duties;

22                                       2. May not engage in any occupation, business or  
23 profession in any way connected or associated, directly or indirectly, with the  
24 manufacture or sale of alcoholic beverages; and

25                                       3. May not transact business of any kind whatsoever  
26 beyond his or her official duties with any licensee, or in connection with the operation  
27 of any establishment licensed for the manufacture or sale of alcoholic beverages.

28                                       (ii) Any employee of the Board who violates any of the  
29 provisions of this subsection shall be removed.

30                       [[6]] (7) (i) As to any entity licensed under the provisions of this  
31 article, a [commissioner] **MEMBER** or **AN** employee of the Board may not solicit or  
32 receive directly or indirectly any commission, remuneration or gift whatsoever from  
33 any:

34                                       1. Person or corporation engaged in the manufacture or  
35 sale of beer or other alcoholic beverages;



1 (II) Regulations adopted by the Board shall be published,  
2 **POSTED ONLINE**, and distributed to whichever licensees are affected by them.

3 (III) The Board may require any licensee to display prominently  
4 in the licensee's place of business any regulation of the Board, or any excerpt or  
5 statement from this article.

6 (IV) **THE BOARD SHALL REVIEW ITS REGULATIONS ON OR**  
7 **BEFORE OCTOBER 31, 2015, AND AT LEAST ONCE EVERY 5 YEARS THEREAFTER,**  
8 **TO ENSURE THAT THE REGULATIONS COMPLY WITH:**

9 1. **CURRENT POLICIES AND PRACTICES OF THE**  
10 **BOARD; AND**

11 2. **FEDERAL, STATE, AND LOCAL LAW.**

12 [(9) The Board shall:

13 (i) Employ 12 permanent part-time inspectors; and

14 (ii) Set the annual salary for permanent part-time inspectors at  
15 not less than \$3,600.]

16 (10) The Board shall:

17 (i) [Employ] **SUBJECT TO PARAGRAPH (13) OF THIS**  
18 **SUBSECTION, EMPLOY** a qualified attorney to serve as appellate counsel for the  
19 Board in actions of appeal; [and]

20 (ii) [Set for appellate counsel the same compensation and  
21 benefits as are set for the Assistant Chief Inspector-Grade 097 or the Chief  
22 Inspector-Grade 099] **USE AS NEEDED THE ADVICE OF THE BALTIMORE CITY**  
23 **LAW DEPARTMENT;**

24 (III) **EMPLOY AN EXECUTIVE SECRETARY AND A DEPUTY**  
25 **EXECUTIVE SECRETARY, WHO BOTH SHALL SERVE AT THE PLEASURE OF THE**  
26 **BOARD; AND**

27 (IV) **EMPLOY INSPECTORS, CLERICAL STAFF, AND OTHER**  
28 **ASSISTANTS AS NECESSARY TO FULFILL THE MISSION OF THE BOARD AND**  
29 **ENFORCE THE ALCOHOLIC BEVERAGES LAWS OF THE STATE.**

30 [(11) (i) 1. In this paragraph, "inspectors" means full-time  
31 inspectors who are employees of the Board. "Inspectors" does not include an inspector  
32 supervisor or assistant inspector supervisor.

1                   2.     Inspectors who were appointed prior to October 1,  
2 1997, shall continue their appointment after that date unless removed in accordance  
3 with classified civil service procedures.

4                   (ii)    As of October 1, 1997:

5                   1.     Inspectors are part of the classified civil service of the  
6 City;

7                   2.     The Board may appoint and remove inspectors only in  
8 accordance with the provisions of law that govern classified civil service employees of  
9 the City;

10                  3.     An employee of the Board may not solicit or receive,  
11 directly or indirectly or on behalf of another person, a commission, political  
12 contribution, remuneration, or gift from:

13                  A.     A licensee or other person who is engaged in the  
14 manufacture or sale of alcoholic beverages; or

15                  B.     An agent or employee of a licensee or other person  
16 who is engaged in the manufacture or sale of alcoholic beverages; and

17                  4.     An employee or other person specified in  
18 subparagraph 3 of this subparagraph who violates the provisions of that  
19 subparagraph is subject to the penalties specified in § 16-503 of this article.

20                  (iii)  The provisions of this paragraph do not alter the process by  
21 which inspectors' salaries are funded.

22                  (iv)  The inspector supervisor and assistant inspector supervisor  
23 shall be residents of Baltimore City.

24                  (v)    The inspector supervisor, assistant inspector supervisor,  
25 office assistant, accounting assistant, secretary III, office supervisor, and applications  
26 investigator appointed prior to October 1, 1998 shall continue their appointment after  
27 that date unless removed in accordance with classified civil service procedures.

28                  (vi)  As of October 1, 1998:

29                  1.     The inspector supervisor, assistant inspector  
30 supervisor, office assistant, accounting assistant, secretary III, and office supervisor  
31 are part of the classified civil service of Baltimore City.

1                   2.     There shall be an assistant executive secretary which  
2 position shall replace the position of administrative coordinator. The assistant  
3 executive secretary shall be part of the classified civil service of Baltimore City.]

4                   **(11) THE SALARY FOR THE POSITION OF ATTORNEY SPECIFIED**  
5 **UNDER PARAGRAPH (I) OF THIS SUBSECTION SHALL BE AT LEAST THE SALARY**  
6 **ASSIGNED ON MAY 30, 2014, TO THAT POSITION.**

7                   **(12) ALL EMPLOYEES OF THE BOARD, EXCEPT FOR THE**  
8 **EXECUTIVE SECRETARY AND THE DEPUTY EXECUTIVE SECRETARY, ARE IN THE**  
9 **CLASSIFIED CIVIL SERVICE OF THE CITY AND MAY BE HIRED AND REMOVED**  
10 **ONLY IN ACCORDANCE WITH THE LAW THAT GOVERNS CLASSIFIED CIVIL**  
11 **SERVICE EMPLOYEES OF THE CITY.**

12                   **(13) TO THE EXTENT POSSIBLE, ALL EMPLOYEES OF THE BOARD**  
13 **SHALL BE RESIDENTS OF BALTIMORE CITY.**

14                   [(12) (i)     Subject to the provisions in subparagraph (ii) of this  
15 paragraph, the salaries of employees of the Board shall be determined by the members  
16 of the Board with the advice and consent of the senators from Baltimore City.]

17                   **(14) (I) THE BOARD SHALL PROVIDE TO THE DIRECTOR OF**  
18 **FINANCE THE ESTIMATES OF THE BOARD FOR THE NEXT FISCAL YEAR OF THE**  
19 **APPROPRIATIONS NEEDED TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE**  
20 **MISSION AND GOALS OF THE BOARD, IN ACCORDANCE WITH ART. VI, SECTION 4**  
21 **OF THE BALTIMORE CITY CHARTER.**

22                   **(II) SUBJECT TO SUBPARAGRAPHS (III) AND (IV) OF THIS**  
23 **PARAGRAPH, THE MEMBERS OF THE BOARD SHALL DETERMINE THE SALARIES**  
24 **OF EMPLOYEES OF THE BOARD.**

25                   **(III) FOR CIVIL SERVICE EMPLOYEES, SALARY LEVELS AND**  
26 **ADJUSTMENTS SHALL CONFORM TO THE POLICIES OF THE CITY'S BOARD OF**  
27 **ESTIMATES, CIVIL SERVICE COMMISSION, AND DEPARTMENT OF HUMAN**  
28 **RESOURCES, INCLUDING THE CITY UNION OF BALTIMORE SALARY SCALES.**

29                   **[(ii)] (IV) The Board may consider an employee's ~~length of~~**  
30 **service] ~~PERFORMANCE, PERFORMANCE, AND EXPERIENCE~~ in determining the**  
31 **appropriate salary level.**

32                   **[(13) The following is the schedule of City Union of Baltimore (CUB)**  
33 **salary grade levels for employees of the Board:**

34                   (i)     Office Assistant – Grade 082;

- 1 (ii) Inspector I – Grade 082;
- 2 (iii) Inspection Division Office Assistant – Grade 082;
- 3 (iv) Inspector II – Grade 085;
- 4 (v) Accounting Assistant II – Grade 085;
- 5 (vi) Secretary III – Grade 086;
- 6 (vii) 311 Call Center Supervisor – Grade 093;
- 7 (viii) Inspector III – Grade 088;
- 8 (ix) Assistant Executive Secretary – Grade 099;
- 9 (x) Assistant Chief Inspector – Grade 097; and
- 10 (xi) Chief Inspector – Grade 099.]

11 [(14)] (15) (i) Subject to subparagraph (ii) of this paragraph, each  
 12 inspector employed by the Board may examine any identification used as proof of age  
 13 by a person for the purchase of alcoholic beverages in the City.

14 (ii) An examination shall be made on the premises of the  
 15 licensed establishment where the purchase is attempted.

16 [(15)] (16) An action of a [commissioner] MEMBER or employee of the  
 17 Board is subject to State requirements for open or public meetings, including  
 18 requirements for open sessions under Title 10, Subtitle 5 of the State Government  
 19 Article.

20 (17) A PERSON WHO VIOLATES THIS SUBSECTION IS SUBJECT TO  
 21 THE PENALTIES SPECIFIED IN § 16–503 OF THIS ARTICLE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 23 read as follows:

24 **Article – State Government**

25 15–807.

26 (a) In Baltimore City, “local official” includes:

1 (1) city employees and officials of the Baltimore City Health  
2 Department;

3 (2) EMPLOYEES AND MEMBERS OF THE BALTIMORE CITY BOARD  
4 OF LIQUOR LICENSE COMMISSIONERS;

5 [(2)] (3) the Police Commissioner of Baltimore City and the civilian  
6 employees and police officers of the Police Department of Baltimore City; and

7 [(3)] (4) each member of and the employees of the Civilian Review  
8 Board.

9 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
10 read as follows:

11 **Article – General Provisions**

12 5–801.

13 (c) (1) In Baltimore City, “local official” includes:

14 (i) city employees and officials of the Baltimore City Health  
15 Department;

16 (ii) EMPLOYEES AND MEMBERS OF THE BALTIMORE CITY  
17 BOARD OF LIQUOR LICENSE COMMISSIONERS;

18 [(ii)] (iii) the Police Commissioner of Baltimore City and the  
19 civilian employees and police officers of the Police Department of Baltimore City; and

20 [(iii)] (iv) members and employees of the Civilian Review Board.

21 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
22 read as follows:

23 **Article 2B – Alcoholic Beverages**

24 15–101.

25 (d) (1) [The provisions of this section apply] **THIS SUBSECTION APPLIES**  
26 **in Baltimore City.**

27 (2) (I) **THE BOARD OF LIQUOR LICENSE COMMISSIONERS**  
28 **CONSISTS OF THREE REGULAR MEMBERS AND ONE ALTERNATE MEMBER.**

1                   **(II) THE GOVERNOR SHALL APPOINT ALL OF THE MEMBERS**  
2 **OF THE BOARD.**

3                   **(III) THE APPOINTMENTS SHALL BE MADE:**

4                               **1. IF THE SENATE IS IN SESSION, WITH THE ADVICE**  
5 **AND CONSENT OF THE SENATE; OR**

6                               **2. IF THE SENATE IS NOT IN SESSION, BY THE**  
7 **GOVERNOR ALONE.**

8                   **(IV) THE ALTERNATE MEMBER MAY SERVE ON THE BOARD**  
9 **IF ANY PERMANENT MEMBER OF THE BOARD IS ABSENT OR RECUSED.**

10                   **(V) EACH APPOINTEE SHALL BE A RESIDENT AND VOTER OF**  
11 **BALTIMORE CITY AND BE AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY**  
12 **AND OF RECOGNIZED BUSINESS CAPACITY.**

13                   **(VI) AT LEAST ONE APPOINTEE SHALL BE A MEMBER OF THE**  
14 **BAR OF THE COURT OF APPEALS OF MARYLAND.**

15                   **(3) (I) THE TERM OF A MEMBER OF THE BOARD IS 2 YEARS**  
16 **AND BEGINS ON JULY 1.**

17                               **(II) THE TERMS OF THE MEMBERS ARE STAGGERED AS**  
18 **REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1,**  
19 **2014.**

20                               **(III) AT THE END OF A TERM, A MEMBER CONTINUES TO**  
21 **SERVE UNTIL A SUCCESSOR IS APPOINTED.**

22                               **(IV) A MEMBER WHO IS APPOINTED AFTER A TERM HAS**  
23 **BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**  
24 **APPOINTED.**

25                   SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That:

26                               (1) the Governor shall make the initial appointments to the Board of  
27 Liquor License Commissioners for Baltimore City required under Section 2 of this Act  
28 on or before May 30, 2014; and

29                               (2) the terms of the members of the Board of Liquor License  
30 Commissioners for Baltimore City serving on July 1, 2014, end as follows:

31                               (i) two regular members on June 30, 2015; and

1 (ii) one regular member and the alternate member on June 30,  
2 2016.

3 SECTION ~~4~~ 6. AND BE IT FURTHER ENACTED, That ~~Section 1~~ Sections 1  
4 and 2 of this Act shall take effect July 1, 2014.

5 SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall  
6 take effect on the taking effect of Chapter \_\_\_\_\_ (H.B. 270) of the Acts of the General  
7 Assembly of 2014. If Section 3 of this Act takes effect, Section 2 of this Act shall be  
8 abrogated and of no further force and effect.

9 SECTION ~~5~~ 8. AND BE IT FURTHER ENACTED, That, except as provided in  
10 ~~Section 4~~ Sections 6 and 7 of this Act, this Act is an emergency measure, is necessary  
11 for the immediate preservation of the public health or safety, has been passed by a yea  
12 and nay vote supported by three-fifths of all the members elected to each of the two  
13 Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.