

Chapter 346

(Senate Bill 846)

AN ACT concerning

Baltimore City – Alcoholic Beverages Act of 2014

FOR the purpose of authorizing the Board of Liquor License Commissioners for Baltimore City to waive a certain food requirement for a restaurant owned and operated by a not-for-profit organization in a certain area of the City; ~~prohibiting the issuance of certain licenses and the removal of certain licenses to sell alcoholic beverages in certain buildings within a certain distance of a substance abuse treatment center;~~ authorizing the Board to waive certain restrictions on license transfers in certain areas under certain circumstances; prohibiting, beginning on a certain date, certain alcoholic beverages licenses from being issued within or transferred into a certain area; requiring the Board or its designee to examine each application for the issuance or transfer of a license within a certain time; specifying requirements to be met before an application for the issuance, transfer, or renewal of a license may be considered complete; specifying certain requirements to be met before a certain hearing; providing procedures for making changes to an application; requiring the Board to digitize and post online certain records by a certain date and adopt certain regulations; requiring that certain revenue be payable to the director of finance; requiring the Board to submit a budget request to the City annually in a certain form and to provide certain other material to the City; requiring the Board to ensure that each fee or fine that the Board imposes and collects is prominently listed on the Web site of the Board; requiring the Mayor and City Council to pay, from the general fund of the City that includes revenue from the Board, the salaries and expenses of the Board and its employees and devote the balance of the revenue from the Board to the general purposes of the City; requiring the Board annually to establish performance measures for certain activities; requiring the Board to make the performance measures available to the public on a certain Web site; requiring that on request, the Board submit certain reports to the Office of Legislative Audits; providing for certain salaries and benefits for members of the Board; requiring the Board to employ an executive secretary and deputy executive secretary based on certain criteria; repealing certain restrictions concerning the removal of the executive secretary and deputy executive secretary; repealing a requirement that the executive secretary or the deputy executive secretary be a member of the State Bar; prohibiting a member or employee of the Board from having certain financial interests or soliciting or receiving certain items from certain persons; requiring a member of the Board to resign under certain circumstances; requiring, under certain circumstances, a member of the Board to certify to the City Board of Elections that the individual is no longer a member of the Board; specifying that

the Board or its designee performs certain tasks, including reviewing the zoning of licenses; requiring a certain period for public comment before the Board may adopt a regulation; requiring that regulations adopted by the Board be posted online; requiring the Board to review its regulations at a certain time for a certain purpose; repealing the requirement that the Board employ and set salaries for certain part-time inspectors; requiring the Board to employ certain individuals; providing for the salary of the position of attorney; specifying that certain employees of the Board are in the classified civil service of the City; requiring that, to the extent possible, all employees of the Board be residents of the City; requiring the Board to provide to the director of finance certain information; requiring the Board to determine the salaries of the employees of the Board under certain circumstances; specifying that the Board may consider an employee's performance and experience in determining the appropriate salary level; repealing a certain pay schedule for certain employees of the Board; specifying that the Board consists of a certain number of regular and alternate members; providing for the qualifications, term, and appointment of the members; defining certain terms; altering a certain definition; making certain stylistic and conforming changes; making this Act an emergency measure; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to alcoholic beverages and the Board of Liquor License Commissioners for Baltimore City.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 1–102(a)(1)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 1–102(a)(22)(i), 9–204.3, 10–204(d), 15–101(d), 15–109(d), and 15–112(d)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 9–204.1(i) and 10–202(a)(4)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government

Section 15–807(a)

Annotated Code of Maryland

(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, with amendments,

Article – General Provisions

Section 5–801(c)(1)

Annotated Code of Maryland

(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of 2014)

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

Article 2B – Alcoholic Beverages

1–102.

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

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

A. Which accommodates the public;

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

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

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

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

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

9–204.1.

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

9-204.3.

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

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

~~(II) A NEW LICENSE OTHER THAN A CLASS B RESTAURANT LICENSE MAY NOT BE ISSUED FOR AND AN EXISTING LICENSE OTHER THAN A CLASS B RESTAURANT LICENSE MAY NOT BE MOVED TO A BUILDING WITHIN 300 FEET OF THE NEAREST POINT OF A SUBSTANCE ABUSE TREATMENT CENTER.~~

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

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

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

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

- (3) Class C beer and wine; and
- (4) Class C beer, wine and liquor.

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

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

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

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

(2) THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY MAY WAIVE THE RESTRICTIONS OF THIS SECTION REGARDING DISTANCE IN SUBSECTION (A)(1) OF THIS SECTION FOR AN APPLICATION FOR A LICENSE TRANSFER INTO AN AREA SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE APPLICATION IS APPROVED BY:

- 1. EACH COMMUNITY ASSOCIATION REPRESENTING THE AREA;**
- 2. EACH BUSINESS ASSOCIATION IN THE AREA; AND**
- 3. THE PASTOR AND CHURCH BOARD OF DIRECTORS OR PASTORAL COUNCIL FOR EACH CHURCH WITHIN 300 FEET OF THE PROPOSED LOCATION FOR THE ESTABLISHMENT FOR WHICH THE LICENSE TRANSFER IS SOUGHT; AND**

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

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

(ii) IN THIS PARAGRAPH, "BOARD" MEANS THE BOARD OF LIQUOR LICENSE COMMISSIONERS.

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

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

1. OBTAINED ZONING APPROVAL OR VERIFICATION OF ZONING IF THE APPLICATION IS FOR RENEWAL;
2. SUBMITTED ALL DOCUMENTS REQUIRED IN THE APPLICATION; AND
3. PAID ALL FINES AND FEES THAT ARE DUE.

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

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

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

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

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

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

(VIII) THE BOARD SHALL:

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

2. ADOPT REGULATIONS TO CARRY OUT THIS SUBPARAGRAPH.

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

10-204.

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

(2) THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY.

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

(4) THE BOARD SHALL:

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

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

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

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

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

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

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

- 1. FINANCIAL MANAGEMENT;**
- 2. ISSUANCE OF LICENSES; AND**
- 3. ENFORCEMENT OF ALCOHOLIC BEVERAGES LAWS.**

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

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

15-109.

(d) In Baltimore City:

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

- 1. IS NOT LESS THAN \$28,500[, and the other members of the Board shall receive an annual salary of \$28,000];**
- 2. IS SET IN THE ORDINANCE OF ESTIMATES; AND**
- 3. INCLUDES ANY COST OF LIVING INCREASE AVAILABLE TO MEMBERS OF THE CITY COUNCIL.**

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

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

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

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

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

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

15-112.

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

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

(i) May not have any [interest,] direct or indirect[, either proprietary or by means of any loan, mortgage or lien, or in any other manner,] **INTEREST** in or on any premises where alcoholic beverages are manufactured, distributed, or sold **WHETHER THE INTEREST IS:**

1. **PROPRIETARY;**
2. **HELD BY MEANS OF A LOAN, MORTGAGE, OR LIEN;**
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; OR**

4. **HELD IN ANY OTHER MANNER;**

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

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

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

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

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

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

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

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

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

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

(5) (I) 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, AN INDIVIDUAL WHO IS A MEMBER OF THE BOARD OR AN EMPLOYEE OF THE BOARD SHALL CERTIFY TO THE CITY BOARD OF ELECTIONS UNDER OATH THAT THE INDIVIDUAL IS NO LONGER A MEMBER OF THE BOARD.

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

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

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

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

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

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

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

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

2. Agent or employee of that person or corporation; or

3. Licensee licensed under the provisions of this article.

(ii) A person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, any agent or employee of that person or corporation, and a licensee licensed under the provisions of this article may not, either directly or indirectly, offer to pay any commission, profit or remuneration or make any gift to any **[commissioner] MEMBER** or employee of the Board or to anyone on behalf of that **[commissioner] MEMBER** or employee of the Board.

[(7)] (8) The **[chairman of the] Board**:

(i) Is its administrative officer and is charged with the duty of enforcing] **OR THE BOARD'S DESIGNEE GOVERNS, ADMINISTERS, AND ENFORCES** the provisions of this article[;] **IN BALTIMORE CITY, INCLUDING PERFORMING SUCH TASKS AS:**

[(ii)] (I) **[Shall personally supervise] SUPERVISING** the activities and investigations of the several inspectors and other employees of the Board;

[(iii)] **(II)** [Shall examine] **EXAMINING** the location and general character of the licensees in the City; [and]

(III) REVIEWING THE ZONING OF LICENSES DURING THE LICENSE APPLICATION, LICENSE TRANSFER, AND LICENSE RENEWAL PROCESSES; AND

(iv) [Shall make recommendations to the Board] **ADOPTING REGULATIONS** concerning zoning of licensees[,] **AND** methods of enforcement[, and promulgation of regulations] to carry out the purposes **AND ENFORCEMENT** of this article.

[(8)] (9) (I) BEFORE THE BOARD MAY ADOPT A REGULATION:

1. THE BOARD SHALL PROVIDE A PERIOD OF AT LEAST 30 DAYS FOR PUBLIC COMMENT; AND

2. THE CITY SOLICITOR SHALL REVIEW THE REGULATIONS TO ENSURE THAT THE REGULATIONS COMPLY WITH THE AUTHORITY GRANTED TO THE BOARD BY THE STATE.

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

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

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

1. CURRENT POLICIES AND PRACTICES OF THE BOARD; AND

2. FEDERAL, STATE, AND LOCAL LAW.

[(9)] The Board shall:

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

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

(10) The Board shall:

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

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

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

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

[(11) (i) 1. In this paragraph, “inspectors” means full–time inspectors who are employees of the Board. “Inspectors” does not include an inspector supervisor or assistant inspector supervisor.

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

(ii) As of October 1, 1997:

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

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

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

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

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

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

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

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

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

(vi) As of October 1, 1998:

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

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

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

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

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

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

(14) (I) THE BOARD SHALL PROVIDE TO THE DIRECTOR OF FINANCE THE ESTIMATES OF THE BOARD FOR THE NEXT FISCAL YEAR OF THE

APPROPRIATIONS NEEDED TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE MISSION AND GOALS OF THE BOARD, IN ACCORDANCE WITH ART. VI, SECTION 4 OF THE BALTIMORE CITY CHARTER.

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

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

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

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

- (i) Office Assistant – Grade 082;**
- (ii) Inspector I – Grade 082;**
- (iii) Inspection Division Office Assistant – Grade 082;**
- (iv) Inspector II – Grade 085;**
- (v) Accounting Assistant II – Grade 085;**
- (vi) Secretary III – Grade 086;**
- (vii) 311 Call Center Supervisor – Grade 093;**
- (viii) Inspector III – Grade 088;**
- (ix) Assistant Executive Secretary – Grade 099;**
- (x) Assistant Chief Inspector – Grade 097; and**
- (xi) Chief Inspector – Grade 099.]**

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

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

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

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

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

Article – State Government

15-807.

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

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

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

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

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

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

Article – General Provisions

5-801.

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

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

(II) EMPLOYEES AND MEMBERS OF THE BALTIMORE CITY BOARD OF LIQUOR LICENSE COMMISSIONERS;

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

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

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

Article 2B – Alcoholic Beverages

15–101.

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

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

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

(III) THE APPOINTMENTS SHALL BE MADE:

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

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

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

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

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

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

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

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

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

SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That:

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

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

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

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

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

SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect on the taking effect of Chapter 94 (H.B. 270) of the Acts of the General Assembly of 2014. If Section 3 of this Act takes effect, Section 2 of this Act shall be abrogated and of no further force and effect.

SECTION ~~5~~ 8. AND BE IT FURTHER ENACTED, That, except as provided in ~~Section 4~~ Sections 6 and 7 of this Act, 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.

Approved by the Governor, May 5, 2014.