SENATE BILL 183

P5 EMERGENCY BILL 4lr0756

By: **The President (By Request – Department of Legislative Services)**
Introduced and read first time: January 15, 2014
Assigned to: Rules

A BILL ENTITLED

AN ACT concerning

Annual Curative Bill

FOR the purpose of generally curing previous Acts of the General Assembly with possible title defects; expanding the prohibition on the issuance of certain nonresident or resident alcoholic beverage dealer's permits to include a person who has a disclosed legal, equity, or security interest in a certain licensed malt beverage wholesaler; authorizing the Prince George's County Board of License Commissioners to issue a special 7–day Class B–GC (golf course) on–sale beer, wine, and liquor license in Prince George's County; altering a certain minimum distance restriction in Howard County so as to authorize the issuance of a Class B alcoholic beverages license for a restaurant located beyond a certain distance from a public school building; requiring the Maryland Stadium Authority, Baltimore City, the Baltimore City Board of School Commissioners, and the Interagency Committee on School Construction to submit a certain joint report on a certain date each year; providing for the effect and construction of certain provisions of this Act; making this Act an emergency measure; and generally repealing and reenacting without amendments certain Acts of the General Assembly that may be subject to possible title defects in order to validate those Acts.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–101(i)(2) and (v)(3), 8–505, and 9–214(b)(1)
Annotated Code of Maryland
(2011 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 8–204
Annotated Code of Maryland
(2010 Replacement Volume and 2013 Supplement)

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 10–645(l)
Annotated Code of Maryland
(2008 Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
The subtitle designation "Subtitle 33. Natalie M. LaPrade Medical Marijuana Commission" immediately preceding § 13–3301(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–101(b) and (i)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article 2B – Alcoholic Beverages

2–101.

(i) (2) A nonresident dealer's permit may not be issued to a person who:

(i) Holds a wholesaler or retailer license of any class issued under this article;

(ii) Has an interest in a wholesaler licensed under this article; or

(iii) Has an interest in a retailer licensed under this article.

(v) (3) A resident dealer's permit may not be issued to a person who:

(i) Holds a wholesaler or retailer license of any class issued under this article;

(ii) Has an interest in a wholesaler licensed under this article; or

(iii) Has an interest in a retailer licensed under this article.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 207 (Senate Bill 223) of the Acts of 2013.

8–505.

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

(2) "Board" means the Prince George's County Board of License Commissioners.

(3) "Commission" means the Maryland–National Capital Park and Planning Commission.

(b) (1) The Board may issue special 7–day Class B–GC (golf course) on–sale beer, wine, and liquor licenses for the exclusive use on the premises of the Commission's golf courses located within Prince George's County.

(2) The special 7–day Class B–GC on–sale beer, wine, and liquor license authorizes the holder to sell beer, wine, and liquor from 1 or more outlets for consumption on the premises of the golf course.

(3) (i) A separate license is required for each applicable golf course.

(ii) A special 7–day Class B–GC on–sale beer, wine, and liquor license shall be issued to each of the managers of the Commission's golf courses upon making application and qualifying as a license holder under this article.

(4) (i) Except as provided in this subsection, the hours of sale for beer, wine, and liquor under this license are from 9 a.m. to 10 p.m. daily, Monday through Sunday.

(ii) The Commission may:

1. Reduce the hours of sale of beer, wine, and liquor under this license; and

2. Discontinue the sale of beer, wine, and liquor under this license from Labor Day through Memorial Day.

(5) The annual fee for a special 7–day Class B–GC on–sale beer, wine, and liquor license is $500.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 665 (House Bill 1074) of the Acts of 2013.

9–214.

(b) (1) (i) Subject to the provisions of subparagraph (ii) of this paragraph, a license to sell alcoholic beverages may not be first issued after June 30, 1971, for any building located within 500 feet of the nearest point of a public school building.

(ii) A Class B license to sell alcoholic beverages may not be issued for a restaurant located within 400 feet from the nearest point of a public school building.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 142 (House Bill 901) of the Acts of 2013.

Article – Business Regulation

8–204.

(a) (1) (i) Subject to subparagraph (ii) of this paragraph, a majority of the members then serving on the Commission is a quorum.

(ii) A quorum may not be fewer than 4 members.

(2) The Commission may not act unless at least a majority of the members then serving concur.

(b) (1) The Commission shall meet at least once every 2 months.

(2) The Commission may hold meetings at the times and places in the State that it determines.

(c) On or before December 1 of each year, the Commission shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Economic Matters Committee, in accordance with § 2–1246 of the State Government Article, regarding:

(1) the attendance record of each Commission meeting, disaggregated by the constituency that the attendee represents pursuant to the attendee's appointment under § 8–202(a)(2) of this subtitle;

(2) how many claims were closed at each meeting; and

(3) how many claims remain open at the conclusion of each meeting.

(d) Each member of the Commission is entitled to:

(1) compensation in accordance with the State budget; and

(2) reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(e) The Commission shall have its office in Baltimore City.

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured incorrectly indicated that only § 8–204(a) and (b) of the Business Regulation Article were being amended.

Occurred: Chapter 440 (Senate Bill 66) of the Acts of 2013.

Article – Economic Development

10–645.

(l) On October 1, 2013, and each October 1 thereafter, the Authority, Baltimore City, the Baltimore City Board of School Commissioners, and the Interagency Committee on School Construction jointly shall report to the Governor, the Board of Public Works and, in accordance with § 2–1246 of the State Government Article, the fiscal committees of the General Assembly, on the progress of replacements, renovations, and maintenance of Baltimore City public school facilities, including actions:

(1) taken during the previous fiscal year; and

(2) planned for the current fiscal year.

DRAFTER'S NOTE:

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 647 (House Bill 860) of the Acts of 2013.

Article – Health – General

Subtitle 33. Natalie M. LaPrade Medical Marijuana Commission.

13–3301.

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

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured failed to correctly state the new subtitle designation.

Occurred: Chapter 403 (House Bill 1101) of the Acts of 2013.

Article – State Finance and Procurement

11–101.

(b) (1) "Architectural services" means professional or creative work that:

(i) is performed in connection with the design and supervision of construction or landscaping; and

(ii) requires architectural education, training, and experience.

(2) "Architectural services" includes consultation, research, investigation, evaluation, planning, architectural design and preparation of related documents, and coordination of services that structural, civil, mechanical, and electrical engineers and other consultants provide.

(3) "Architectural services" does not include construction inspection services or services provided in connection with an energy performance contract for structural, mechanical, plumbing, or electrical engineering.

(i) (1) "Engineering services" means professional or creative work that:

(i) is performed in connection with any utility, structure, building, machine, equipment, or process, including structural, mechanical, plumbing, electrical, geotechnical, and environmental engineering; and

(ii) requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences.

(2) "Engineering services" includes consultation, investigation, evaluation, planning, design, and inspection of construction to interpret and ensure compliance with specifications and design within the scope of inspection services.

(3) "Engineering services" does not include services provided in connection with an energy performance contract.

DRAFTER'S NOTE:

Error: Function paragraph of bill being cured failed to indicate that § 11–101(b) and (i) of the State Finance and Procurement Article were being amended.

Occurred: Chapter 138 (House Bill 757) of the Acts of 2013.

SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea 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.