

SENATE BILL 1159

A2

EMERGENCY BILL

6lr3845

By: **Senators Conway and Nathan–Pulliam**

Introduced and read first time: March 7, 2016

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City Board of License Commissioners – Members – Terms and**
3 **Appointment**

4 FOR the purpose of requiring the Governor, when evaluating an applicant for membership
5 on the Board of License Commissioners for Baltimore City, to consider the need for
6 certain types of diversity on the Board; requiring the Governor to make an
7 appointment to fill a vacancy on the Board within a certain number of days after the
8 vacancy occurs; making this Act an emergency measure; providing for the
9 termination of certain provisions of this Act; and generally relating to the Board of
10 License Commissioners for Baltimore City.

11 BY repealing and reenacting, without amendments,
12 Article 2B – Alcoholic Beverages
13 Section 15–101(a)(4)
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 2B – Alcoholic Beverages
18 Section 15–101(d)
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Alcoholic Beverages
23 Section 12–102
24 Annotated Code of Maryland
25 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

26 BY repealing and reenacting, with amendments,
27 Article – Alcoholic Beverages

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 12–202
2 Annotated Code of Maryland
3 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

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

6 **Article 2B – Alcoholic Beverages**

7 15–101.

8 (a) (4) In the case of any vacancies in the number of the license commissioners
9 in Baltimore City or in any county which occur when the legislature is not in session, the
10 Governor shall appoint some eligible person to fill the vacancy during the remainder of the
11 term of office of the person originally appointed.

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

13 (2) (i) The Board of Liquor License Commissioners consists of three
14 regular members and one alternate member.

15 (ii) The Governor shall appoint all of the members of the Board.

16 (iii) The appointments shall be made:

17 1. If the Senate is in session, with the advice and consent of
18 the Senate; or

19 2. If the Senate is not in session, by the Governor alone.

20 (iv) The alternate member may serve on the Board if any permanent
21 member of the Board is absent or recused.

22 (v) Each appointee shall be a resident and voter of Baltimore City
23 and be an individual of high character and integrity and of recognized business capacity.

24 (vi) At least one appointee shall be a member of the Bar of the Court
25 of Appeals of Maryland.

26 **(VII) WHEN EVALUATING AN APPLICANT FOR MEMBERSHIP ON**
27 **THE BOARD, THE GOVERNOR SHALL CONSIDER THE NEED FOR GEOGRAPHIC,**
28 **POLITICAL, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY ON THE BOARD.**

29 (3) (i) The term of a member of the Board is 2 years and begins on July
30 1.

1 (ii) The terms of the members are staggered as required by the terms
2 provided for members of the Board on July 1, 2014.

3 (iii) At the end of a term, a member continues to serve until a
4 successor is appointed.

5 (iv) A member who is appointed after a term has begun serves only
6 for the rest of the term and until a successor is appointed.

7 (v) **1. THE GOVERNOR SHALL APPOINT AN ELIGIBLE**
8 **PERSON TO FILL A VACANCY THAT OCCURS DURING THE TERM OF OFFICE OF THE**
9 **PERSON ORIGINALLY APPOINTED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS**
10 **SUBSECTION.**

11 **2. THE GOVERNOR SHALL MAKE THE APPOINTMENT**
12 **WITHIN 30 DAYS AFTER THE VACANCY OCCURS.**

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

15 **Article – Alcoholic Beverages**

16 12–102.

17 This title applies only in Baltimore City.

18 12–202.

19 (a) (1) The Governor shall appoint three regular members and one substitute
20 member to the Board.

21 (2) The appointments shall be made:

22 (i) if the Senate is in session, with the advice and consent of the
23 Senate; or

24 (ii) if the Senate is not in session, by the Governor alone.

25 (b) (1) Each member of the Board shall be:

26 (i) a resident and voter of the City; and

27 (ii) an individual of high character and integrity and of recognized
28 business capacity.

1 (2) At least one member of the Board shall be a member of the Bar of the
2 Court of Appeals of Maryland.

3 **(3) WHEN EVALUATING AN APPLICANT FOR MEMBERSHIP ON THE**
4 **BOARD, THE GOVERNOR SHALL CONSIDER THE NEED FOR GEOGRAPHIC,**
5 **POLITICAL, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY ON THE BOARD.**

6 (c) The substitute member may serve on the Board if a regular member is absent
7 or recused.

8 (d) (1) The term of a member is 2 years and begins on July 1.

9 (2) The terms of the members are staggered as required by the terms
10 provided for members of the Board on July 1, 2016.

11 (3) At the end of a term, a member continues to serve until a successor is
12 appointed and qualifies.

13 (4) A member who is appointed after a term has begun serves only for the
14 rest of the term and until a successor is appointed and qualifies.

15 (e) (1) **(I)** The Governor shall appoint an eligible individual to fill a vacancy
16 that occurs during the term of office of the individual originally appointed in accordance
17 with subsection (a) of this section.

18 **(II) THE GOVERNOR SHALL MAKE THE APPOINTMENT WITHIN**
19 **30 DAYS AFTER THE VACANCY OCCURS.**

20 (2) A member who is appointed after a term has begun serves only for the
21 rest of the term and until a successor is appointed and qualifies.

22 (f) (1) The Governor may remove a member for misconduct in office,
23 incompetence, or willful neglect of duty.

24 (2) The Governor shall give a member who is charged a copy of the charges
25 against the member and, with at least 10 days' notice, an opportunity to be heard publicly
26 in person or by counsel.

27 (3) If a member is removed, the Governor shall file with the Office of the
28 Secretary of State a statement of charges against the member and the Governor's findings
29 made on the charges.

30 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
31 effect on the taking effect of Chapter ___(S.B. 724) of the Acts of the General Assembly of
32 2016. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no
33 further force and effect.

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