

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL NO. 808

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “deleting” in line 6 down through “County” in line 7 and substitute “exempting a certain county from this Act; requiring a board of license commissioners to hold a hearing, make certain determinations, and obtain approval from the State Comptroller before issuing a certain license under this Act; requiring the Comptroller to make certain determinations and findings”; in lines 7 and 8, strike “sale of alcoholic beverages” and substitute “issuance of alcoholic beverages licenses”; in line 11, after “9-217(a)” insert “and (m)”; and strike in their entirety lines 14 through 18, inclusive.

AMENDMENT NO. 2

On page 2, in line 6, strike the bracket.

On page 3, in line 4, strike the bracket.

AMENDMENT NO. 3

On page 3, after line 5, insert:

“(A) THIS SECTION DOES NOT APPLY IN PRINCE GEORGE’S COUNTY.”;

and in lines 6, 15, 17, and 29, strike “(A)”, “(B)”, “(C)”, and “(D)”, respectively, and substitute “(B)”, “(C)”, “(D)”, and “(E)”, respectively.

AMENDMENT NO. 4

On page 3, in line 9, after “COUNTY” insert “, THE CITY OF ANNAPOLIS.”; strike beginning with “WITHOUT” in line 15 down through “USE” in line 16 and substitute “EXCEPT AS PROVIDED IN SUBSECTIONS (E), (F), AND (G) OF THIS SECTION, A BOARD MAY NOT ISSUE AN ALCOHOLIC BEVERAGES LICENSE FOR USE IN PREMISES IN WHICH MORE”

(Over)

THAN 10,000 SQUARE FEET OF FLOOR SPACE IS DEVOTED TO OFF-SALE USE”.

AMENDMENT NO. 5

On page 4, after line 12, insert:

“(F) BEFORE A BOARD MAY ISSUE A LICENSE FOR USE IN PREMISES IN WHICH MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE IS DEVOTED TO OFF-SALE USE, THE BOARD SHALL:

(1) HOLD A PUBLIC HEARING AND MAKE A DETERMINATION THAT THE ISSUANCE OF THE LICENSE WOULD SERVE THE PUBLIC NEED;

(2) MAKE A DETERMINATION THAT THE ISSUANCE OF THE LICENSE WOULD NOT ADVERSELY IMPACT EXISTING RETAIL LICENSEES IN THE IMMEDIATE VICINITY OF THE PREMISES, INCLUDING THOSE LICENSEES THAT MAY BE IN A CONTIGUOUS COUNTY OR CITY; AND

(3) OBTAIN THE APPROVAL OF THE COMPTROLLER, AS PROVIDED UNDER SUBSECTION (G) OF THIS SECTION.

(G) (1) IF A BOARD DETERMINES THAT THE ISSUANCE OF A LICENSE WOULD MEET THE CRITERIA UNDER SUBSECTION (F)(1) AND (2) OF THIS SECTION, THE BOARD SHALL OBTAIN A WRITTEN REVIEW AND APPROVAL FROM THE STATE COMPTROLLER BEFORE TAKING FINAL ACTION ON THE APPLICATION.

(2) THE BOARD MAY ISSUE THE LICENSE IF, ON RECEIPT OF AN APPLICATION FROM A BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMPTROLLER:

(I) MAKES A DETERMINATION THAT THE ISSUANCE OF THE LICENSE WOULD NOT ADVERSELY AFFECT THE ORDERLY DISTRIBUTION OF ALCOHOLIC BEVERAGES IN THE STATE;

(II) MAKES A DETERMINATION THAT THE ISSUANCE OF THE LICENSE WILL COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS ARTICLE RELATING TO THE ISSUANCE OF MULTIPLE LICENSES; AND

(III) REPORTS THE COMPTROLLER'S FINDINGS IN WRITING TO THE BOARD.

(3) IF THE COMPTROLLER DETERMINES THAT AN APPLICATION SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT MEET THE CRITERIA PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE THE LICENSE."