

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL NO. 374

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Board of License Commissioners” and substitute “Alcoholic Beverage Act of 1998”; strike beginning with “establishing” in line 3 down through “members;” in line 6 and substitute “establishing that the County Council for Howard County on a permanent basis constitutes ex officio the Board of License Commissioners for Howard County; establishing an Appointed Alcoholic Beverage Hearing Board in Howard County; providing for the appointment of members of the Hearing Board; requiring that, except as provided in this Act, the Liquor Board delegate to the Hearing Board its authority to act in certain ways; providing for the membership, powers, and duties of the Hearing Board; providing for the compensation of the Hearing Board;”; in line 6, after “that” insert “Hearing”; in line 8, before “Board” insert “Hearing”; strike beginning with “providing” in line 9 down through “Board;” in line 12 and substitute “providing for the payment and staffing of the Liquor Board and the Hearing Board;”; in line 14, strike “Board” and substitute “Liquor Board and the Hearing Board”; strike beginning with “authorizing” in line 14 down through “Board;” in line 15; in line 15, strike “Board to” and substitute “Liquor Board and the Hearing Board to”; strike beginning with “requiring” in line 17 down through “Executive;” in line 19 and substitute “providing for the annual budget of the Liquor Board and the Hearing Board;”; in line 20, strike “County Council” and substitute “Liquor Board”; strike beginning with “providing” in line 21 down through “penalty;” in line 25 and substitute “requiring the Hearing Board to give the Liquor Board regular and prompt notice of certain filings; prohibiting certain acts; establishing a certain penalty for a violation of this Act;”; in line 26, strike “repealing certain obsolete provisions from the Code;” and substitute “making technical and stylistic changes;”; and in line 27, strike “establishment of the Board of License Commissioners in Howard County” and substitute “regulation of alcoholic beverage licensees in Howard County”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 1 and 2 and substitute:

(Over)

“(2) ‘‘COUNTY’’ MEANS HOWARD COUNTY.”;

strike line 5 in its entirety and substitute:

“(4) ‘‘HEARING BOARD’’ MEANS THE APPOINTED ALCOHOLIC BEVERAGE HEARING BOARD IN HOWARD COUNTY.”;

in line 6, before the first ‘‘BOARD’’ insert ‘‘HEARING’’; in lines 6 and 7, strike ‘‘BOARD OF LICENSE COMMISSIONERS’’ and substitute ‘‘APPOINTED ALCOHOLIC BEVERAGE HEARING BOARD’’; after line 7, insert:

“(6) ‘‘LIQUOR BOARD’’ MEANS THE BOARD OF LICENSE COMMISSIONERS FOR HOWARD COUNTY.

(B) THE COUNTY COUNCIL FOR HOWARD COUNTY SHALL EX OFFICIO CONSTITUTE ON A PERMANENT BASIS THE BOARD OF LICENSE COMMISSIONERS FOR HOWARD COUNTY.”;

strike in their entirety lines 8 and 9 and substitute:

“(C) (1) THERE IS AN APPOINTED ALCOHOLIC BEVERAGE HEARING BOARD IN HOWARD COUNTY.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE LIQUOR BOARD SHALL DELEGATE TO THE HEARING BOARD ITS AUTHORITY TO CONDUCT HEARINGS AND RENDER DECISIONS ON CASES INVOLVING ALCOHOLIC BEVERAGE LICENSEES IN THE COUNTY.”;

in lines 10, 12, 23, and 31, strike ‘‘(2)’’, ‘‘(3)’’, ‘‘(4)’’, and ‘‘(5)’’, respectively, and substitute ‘‘(3)’’, ‘‘(4)’’, ‘‘(5)’’, and ‘‘(6)’’, respectively; in lines 10, 17, 21, 26, 30, and 31, in each instance, before ‘‘BOARD’’ insert ‘‘HEARING’’; and in line 24, after ‘‘THREE’’ insert ‘‘QUALIFIED’’.

On page 4, in lines 1, 26, and 34, strike ‘‘(C)’’, ‘‘(D)’’, and ‘‘(E)’’, respectively, and substitute ‘‘(D)’’, ‘‘(E)’’, and ‘‘(F)’’, respectively; in lines 1, 4, 8, 10, 11, 12, 14, 15, 18, 19, 20, 26, 28, 30, 32, and 34, in each instance, before ‘‘BOARD’’ insert ‘‘HEARING’’; in line 21, before ‘‘MEMBER’’ insert ‘‘HEARING BOARD’’; in line 24, strike ‘‘SUBSECTION (I) OF THIS SECTION’’ and substitute ‘‘PARAGRAPH (2)(I) OF THIS SUBSECTION’’; and in line 25, strike ‘‘(C)(1), (2), OR (3)’’ and substitute ‘‘(C)(6)(I), (II), OR (III)’’.

On page 5, in lines 16, 20, and 36, strike “(G)”, “(H)”, and “(I)”, respectively, and substitute “(H)”, “(I)”, and “(J)”, respectively; in lines 4, 11, 16, 20, 24, 25, 28, 30, 32, 34, and 36, in each instance, before “BOARD” insert “HEARING”; strike in their entirety lines 7 and 8, inclusive, and substitute:

“(G) (1) THE DIRECTOR OF THE COUNTY DEPARTMENT OF INSPECTIONS, LICENSES, AND PERMITS SHALL PROVIDE A SINGLE ADMINISTRATOR TO SERVE BOTH THE HEARING BOARD AND THE LIQUOR BOARD, AND MAY PROVIDE OTHER STAFFING TO THE BOARDS AS NECESSARY TO CARRY OUT THE DUTIES OF THE BOARDS.”;

in line 11, after “BOARD” insert “AND THE LIQUOR BOARD”; in line 11, strike “ITS” and substitute “THEIR”; strike in their entirety lines 13 through 15, inclusive; in line 18, strike “COUNTY COUNCIL” and substitute “LIQUOR BOARD”; in line 20, before “SHALL” insert “AND THE LIQUOR BOARD”; in the same line, strike “AN ANNUAL BUDGET REQUEST” and substitute “ANNUAL BUDGET REQUESTS”; in line 29, strike “REQUEST” and substitute “REQUESTS”; in line 30, strike “A BUDGET” and substitute “BUDGETS”; in the same line, before “TO” insert “AND THE LIQUOR BOARD”; in line 31, strike “AMOUNT” and substitute “AMOUNTS”; in the same line, strike “IS” and substitute “ARE”; in line 32, after “BOARD” insert “AND THE LIQUOR BOARD”; in line 33, strike “BUDGET” and substitute “BUDGETS”; in line 34, before “AS” insert “AND THE LIQUOR BOARD”; and in line 36, before “IS” insert “AND THE LIQUOR BOARD”.

On page 6, in lines 1, 18, 23, and 27, strike “(J)”, “(K)”, “(L)”, and “(M)”, respectively, and substitute “(K)”, “(L)”, “(M)”, and “(N)”, respectively; in line 1, strike “WITHIN 30 DAYS”; in lines 1, 13, 16, and 23, in each instance, before “BOARD” insert “HEARING”; in lines 4, 5, 12, 15, 16, 19, 24, 26, 27, 29, and 33, in each instance, strike “COUNCIL” and substitute “LIQUOR BOARD”; in line 14, strike “WITHIN 10 DAYS”; in line 18, strike “WITHIN 15 DAYS”; in line 27, strike “WITHIN 60 DAYS”; and in line 32, strike “WITHIN 30 DAYS”.

On page 7, strike in their entirety lines 1 through 3, inclusive, and substitute:

(Over)

“(O) THE HEARING BOARD SHALL GIVE THE LIQUOR BOARD REGULAR AND PROMPT NOTICE OF THE FILING OF:

(1) EACH APPLICATION FOR AN ALCOHOLIC BEVERAGE LICENSE OR CHANGE IN LICENSE; AND

(2) EACH PETITION ALLEGING THAT A VIOLATION OF AN ALCOHOLIC BEVERAGE LAW OR REGULATION HAS OCCURRED.

(P) BY GIVING NOTICE TO THE HEARING BOARD AND THE APPLICANT OR THE AFFECTED LICENSEE, THE LIQUOR BOARD MAY:

(1) ASSUME INITIAL JURISDICTION OF ANY MATTER BEFORE THE HEARING BOARD; AND

(2) HEAR THE CASE IN THE FIRST INSTANCE WHEN THE LIQUOR BOARD DETERMINES THAT EXERCISING INITIAL JURISDICTION IS DESIRABLE AND IN THE PUBLIC INTEREST.”;

in line 4, strike “(O)” and substitute “(Q)”; strike line 9 in its entirety and substitute:

“(I) A MEMBER OF THE HEARING BOARD OR OF THE LIQUOR BOARD;”;

in line 10, strike “BOARD” and substitute “HEARING BOARD OR OF THE LIQUOR BOARD”; and in lines 11 and 12, strike “COMMISSIONER OR EMPLOYEE ASSIGNED TO THE BOARD” and substitute “MEMBER OF THE HEARING BOARD OR OF THE LIQUOR BOARD OR EMPLOYEE ASSIGNED TO THE HEARING BOARD OR THE LIQUOR BOARD”.