

SENATE BILL 374

Unofficial Copy
A2

1998 Regular Session
(8lr2429)

ENROLLED BILL

-- Economic and Environmental Affairs/Economic Matters --

Introduced by **Senators Madden, McCabe, and Kasemeyer**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Howard County - ~~Board of License Commissioners~~ Alcoholic Beverage Act of**
3 **1998**

4 FOR the purpose of ~~establishing a Board of License Commissioners in Howard~~
5 ~~County, appointed by the County Council for Howard County; providing for the~~
6 ~~membership, powers, and duties of the Board; providing for the compensation of~~
7 ~~the chairperson and other Board members; establishing that the County Council~~
8 ~~for Howard County on a permanent basis constitutes ex officio the Board of~~
9 ~~License Commissioners for Howard County; establishing an Appointed Alcoholic~~
10 ~~Beverage Hearing Board in Howard County; providing for the appointment of~~
11 ~~members of the Hearing Board; requiring that, except as provided in this Act, the~~
12 ~~Liquor Board delegate to the Hearing Board its authority to act in certain ways;~~
13 ~~providing for the membership, powers, and duties of the Hearing Board;~~
14 ~~providing for the compensation of the Hearing Board;~~ requiring that Hearing
15 Board members not have interests in certain premises except under certain
16 circumstances; requiring that Hearing Board members not receive or solicit a
17 commission, remuneration, or gift from certain persons; ~~providing for the~~

1 compensation of the chairperson and other members of the Board; providing for
 2 a quorum of the Board and a certain number of Board members to take action;
 3 requiring the County Council for Howard County to employ an administrator for
 4 the Board; providing for the payment and staffing of the Liquor Board and the
 5 Hearing Board; requiring the chief of the Howard County Police Department to
 6 provide a sworn member of the Police Department as an inspector to assist the
 7 Board Liquor Board and the Hearing Board; ~~authorizing the County Council to~~
 8 ~~provide other County employees to the Board~~; requiring the Board to Liquor
 9 Board and the Hearing Board to propose certain regulations and submit them to
 10 the County Council for approval; ~~requiring the Board to submit an annual~~
 11 ~~budget request by a certain date to the County Council~~; requiring the County
 12 Council to review the budget request and submit a budget for the Board to the
 13 County Executive; providing for the annual budget of the Liquor Board and the
 14 Hearing Board; establishing procedures for the County Council Liquor Board to
 15 conduct hearings and make final decisions on certain cases; ~~providing for~~
 16 ~~appeals to the circuit court under certain circumstances~~; prohibiting a holder of
 17 a license, a person applying for a license, or a person engaged in the
 18 manufacture or sale of alcoholic beverages from offering to pay a commission,
 19 profit, or remuneration or make a gift to certain persons; providing a certain
 20 penalty for a violation of a certain penalty; requiring the Hearing Board to give
 21 the Liquor Board regular and prompt notice of certain filings; prohibiting certain
 22 acts; establishing a certain penalty for a violation of this Act; defining certain
 23 terms; ~~repealing certain obsolete provisions from the Code~~; making technical
 24 and stylistic changes; and generally relating to the establishment of the Board of
 25 License Commissioners in Howard County regulation of alcoholic beverage
 26 licensees in Howard County.

27 BY repealing
 28 Article 2B - Alcoholic Beverages
 29 Section 15-101(o), 15-109(o), and 15-112(o)
 30 Annotated Code of Maryland
 31 (1996 Replacement Volume and 1997 Supplement)

32 BY repealing and reenacting, with amendments,
 33 Article 2B - Alcoholic Beverages
 34 Section 15-105(a)
 35 Annotated Code of Maryland
 36 (1996 Replacement Volume and 1997 Supplement)

37 BY adding to
 38 Article 2B - Alcoholic Beverages
 39 Section 15-107.1
 40 Annotated Code of Maryland
 41 (1996 Replacement Volume and 1997 Supplement)

42 BY renumbering

1 Article 2B - Alcoholic Beverages
 2 Section 15-101(p) through (y) and 15-109(p) through (y), respectively
 3 to be Section 15-101(o) through (x) and 15-109(o) through (x), respectively
 4 Annotated Code of Maryland
 5 (1996 Replacement Volume and 1997 Supplement)

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

8 **Article 2B - Alcoholic Beverages**

9 15-101.

10 [(o) The provisions of § 15-105 of this article apply in Howard County.]

11 15-105.

12 (a) The respective Boards of County Commissioners shall ex officio constitute
 13 the Boards of License Commissioners in Dorchester and Kent Counties. [In Howard
 14 County, the County Council shall ex officio constitute the Board of License
 15 Commissioners.]

16 15-107.1.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 18 INDICATED.

19 (2) ~~"BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS IN~~
 20 ~~HOWARD COUNTY.~~

21 (2) "COUNTY" MEANS HOWARD COUNTY.

22 (3) "COUNTY COUNCIL" MEANS THE COUNTY COUNCIL FOR HOWARD
 23 COUNTY.

24 (4) ~~"COUNTY" MEANS HOWARD COUNTY.~~

25 (4) "HEARING BOARD" MEANS THE APPOINTED ALCOHOLIC BEVERAGE
 26 HEARING BOARD IN HOWARD COUNTY.

27 (5) "HEARING BOARD MEMBER" MEANS A MEMBER OF THE BOARD OF
 28 LICENSE COMMISSIONERS APPOINTED ALCOHOLIC BEVERAGE HEARING BOARD IN
 29 HOWARD COUNTY.

30 (6) "LIQUOR BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS
 31 FOR HOWARD COUNTY.

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

1 ~~(B)~~ ~~(1)~~ ~~THERE IS A BOARD OF LICENSE COMMISSIONERS IN HOWARD~~
 2 ~~COUNTY.~~

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

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

9 ~~(2)~~ ~~(3)~~ THE HEARING BOARD CONSISTS OF FIVE MEMBERS, ONE FROM
 10 EACH COUNCILMANIC DISTRICT.

11 ~~(3)~~ ~~(4)~~ (I) NOT MORE THAN THREE MEMBERS SHALL BE
 12 REGISTERED WITH THE SAME POLITICAL PARTY.

13 (II) EACH POLITICAL PARTY THAT POLLED AT LEAST 25% OF THE
 14 TOTAL VOTE CAST FOR ALL CANDIDATES FOR THE OFFICE OF COUNTY EXECUTIVE IN
 15 THE MOST RECENT GENERAL ELECTION SHALL HAVE AT LEAST ONE
 16 REPRESENTATIVE ON THE HEARING BOARD.

17 (III) IF A POLITICAL PARTY THAT POLLED AT LEAST 25% OF THE
 18 TOTAL VOTE CAST FOR ALL CANDIDATES FOR THE OFFICE OF COUNTY EXECUTIVE IN
 19 THE MOST RECENT GENERAL ELECTION DOES NOT HAVE AT LEAST ONE
 20 REPRESENTATIVE ON THE HEARING BOARD, THE NEXT VACANCY ON THE BOARD
 21 SHALL BE FILLED WITH AN INDIVIDUAL REGISTERED WITH THAT PARTY.

22 ~~(4)~~ ~~(5)~~ (I) EACH MEMBER OF THE COUNTY COUNCIL SHALL
 23 NOMINATE TO THE COUNTY EXECUTIVE THREE QUALIFIED INDIVIDUALS WHO LIVE
 24 IN THE DISTRICT OF THE MEMBER OF THE COUNTY COUNCIL.

25 (II) THE COUNTY EXECUTIVE SHALL APPOINT TO THE HEARING
 26 BOARD ONE INDIVIDUAL FROM THE LIST OF NOMINEES THAT EACH MEMBER OF THE
 27 COUNTY COUNCIL SUBMITS.

28 (III) THE COUNTY COUNCIL BY RESOLUTION SHALL CONFIRM THE
 29 APPOINTMENT OF HEARING BOARD MEMBERS.

30 ~~(5)~~ ~~(6)~~ TO QUALIFY FOR APPOINTMENT AS A HEARING BOARD
 31 MEMBER, AN INDIVIDUAL SHALL BE:

32 (I) OF GOOD MORAL CHARACTER AND INTEGRITY;

33 (II) A REGISTERED VOTER OF THE COUNTY IMMEDIATELY PRIOR
 34 TO THE APPOINTMENT; AND

35 (III) AT LEAST 21 YEARS OF AGE.

1 ~~(C)~~ (D) (1) A HEARING BOARD MEMBER MAY NOT HOLD ANOTHER PUBLIC
2 OFFICE OR BE EMPLOYED BY A PUBLIC BODY.

3 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
4 PARAGRAPH, A HEARING BOARD MEMBER MAY NOT HAVE A DIRECT OR INDIRECT
5 INTEREST IN ANY PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED
6 OR SOLD, OR IN ANY BUSINESS WHOLLY OR PARTIALLY DEVOTED TO THE
7 MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES.

8 (II) A HEARING BOARD MEMBER MAY BE A HOLDER OF A 1-DAY OR
9 2-DAY ALCOHOLIC BEVERAGES LICENSE.

10 (3) A HEARING BOARD MEMBER IS REQUIRED TO BE A REGISTERED
11 VOTER OF THE COUNTY DURING THE HEARING BOARD MEMBER'S TERM OF OFFICE.

12 (4) (I) EXCEPT FOR THE TERMS OF SOME OF THE INITIAL HEARING
13 BOARD MEMBERS, THE TERM OF A BOARD MEMBER IS 5 YEARS.

14 (II) THE TERMS OF HEARING BOARD MEMBERS ARE STAGGERED AS
15 REQUIRED BY THE TERMS PROVIDED FOR HEARING BOARD MEMBERS ON OCTOBER
16 1, 1998.

17 (5) A BOARD MEMBER WHO IS APPOINTED TO FILL A VACANCY SHALL
18 SERVE THE REMAINDER OF THE UNEXPIRED TERM.

19 (6) A HEARING BOARD MEMBER WHOSE TERM HAS EXPIRED AND WHO
20 HAS SERVED 8 OR MORE CONSECUTIVE YEARS ON THE HEARING BOARD IS NOT
21 ELIGIBLE FOR IMMEDIATE REAPPOINTMENT TO THE HEARING BOARD.

22 (7) THE COUNTY COUNCIL MAY REMOVE A HEARING BOARD MEMBER
23 FOR INCOMPETENCE, MISCONDUCT, NEGLIGENCE OF A DUTY REQUIRED BY LAW,
24 UNPROFESSIONAL CONDUCT, DISHONORABLE CONDUCT, A VIOLATION OF ANY OF
25 THE PROVISIONS OF ~~SUBSECTION (4) OF THIS SECTION~~ PARAGRAPH (2)(I) OF THIS
26 SUBSECTION OR FAILURE TO MEET THE QUALIFICATIONS OF SUBSECTION ~~(C)(1), (2),~~
27 ~~OR (3) (C)(6)(I), (II), OR (III)~~ OF THIS SECTION.

28 ~~(D)~~ (E) (1) FROM AMONG ITS MEMBERS, THE HEARING BOARD SHALL
29 ELECT A CHAIRPERSON.

30 (2) (I) A MAJORITY OF THE MEMBERS THEN SERVING ON THE
31 HEARING BOARD IS A QUORUM.

32 (II) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE
33 HEARING BOARD IS NEEDED TO TAKE ACTION.

34 (3) THE HEARING BOARD SHALL MEET AT LEAST ONCE EACH MONTH
35 AND MAY MEET MORE OFTEN IF NEEDED.

36 ~~(E)~~ (F) THE COMPENSATION OF THE HEARING BOARD MEMBERS FOR THE
37 PERFORMANCE OF THEIR DUTIES SHALL BE:

1 (1) FOR THE CHAIRPERSON, \$55 PER MEETING ATTENDED, NOT TO
 2 EXCEED \$1,300 IN A FISCAL YEAR REGARDLESS OF THE NUMBER OF MEETINGS
 3 ATTENDED; AND

4 (2) FOR OTHER HEARING BOARD MEMBERS, \$50 PER MEETING
 5 ATTENDED, NOT TO EXCEED \$1,200 IN A FISCAL YEAR REGARDLESS OF THE NUMBER
 6 OF MEETINGS ATTENDED.

7 ~~(F) (1) THE COUNTY COUNCIL SHALL EMPLOY AN ADMINISTRATOR FOR THE~~
 8 ~~BOARD WHO SHALL BE IN THE CLASSIFIED SERVICE OF THE COUNTY.~~

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

14 (2) THE CHIEF OF THE HOWARD COUNTY POLICE DEPARTMENT SHALL
 15 PROVIDE A SWORN MEMBER OF THE HOWARD COUNTY POLICE DEPARTMENT AS AN
 16 INSPECTOR TO ASSIST THE HEARING BOARD AND THE LIQUOR BOARD IN CARRYING
 17 OUT ~~ITS~~ THEIR RESPONSIBILITIES AND IN ENFORCING THE LAW.

18 ~~(3) THE COUNTY COUNCIL MAY PROVIDE OTHER COUNTY EMPLOYEES~~
 19 ~~TO THE BOARD IF THE COUNTY COUNCIL DETERMINES THAT ADDITIONAL STAFF IS~~
 20 ~~NECESSARY FOR THE BOARD TO CARRY OUT ITS RESPONSIBILITIES.~~

21 ~~(G) (H)~~ (H) THE HEARING BOARD SHALL PROPOSE REASONABLE REGULATIONS
 22 TO ENABLE IT TO DISCHARGE ITS DUTIES, INCLUDING THE ISSUANCE OF ALCOHOLIC
 23 BEVERAGES LICENSES, AND SHALL SUBMIT PROPOSED REGULATIONS TO THE
 24 ~~COUNTY COUNCIL~~ LIQUOR BOARD FOR APPROVAL.

25 ~~(H) (I)~~ (1) THE HEARING BOARD AND THE LIQUOR BOARD SHALL SUBMIT
 26 ~~AN ANNUAL BUDGET REQUEST~~ ANNUAL BUDGET REQUESTS TO THE COUNTY
 27 COUNCIL NOT LATER THAN JANUARY 15 IN EACH YEAR FOR THE ENSUING FISCAL
 28 YEAR.

29 (2) A BUDGET REQUEST SHALL INCLUDE:

30 (I) SALARIES OF THE CHAIRPERSON AND HEARING BOARD
 31 MEMBERS;

32 (II) COMPENSATION OF PERSONNEL ASSIGNED TO THE HEARING
 33 BOARD; AND

34 (III) EXPENSES FOR OFFICE SUPPLIES, EQUIPMENT, AND SERVICES
 35 NECESSARY FOR CARRYING OUT THE RESPONSIBILITIES OF THE HEARING BOARD.

36 (3) (I) THE COUNTY COUNCIL SHALL REVIEW THE BUDGET ~~REQUEST~~
 37 REQUESTS AND SHALL SUBMIT ~~A BUDGET~~ BUDGETS FOR THE HEARING BOARD AND
 38 THE LIQUOR BOARD TO THE COUNTY EXECUTIVE IN THE ~~AMOUNT~~ AMOUNTS THAT

1 THE COUNTY COUNCIL DETERMINES ~~IS~~ ARE ADEQUATE TO SUPPORT THE DUTIES
2 AND RESPONSIBILITIES OF THE HEARING BOARD AND THE LIQUOR BOARD.

3 (II) THE COUNTY EXECUTIVE SHALL INCLUDE THE ~~BUDGET~~
4 BUDGETS FOR THE HEARING BOARD AND THE LIQUOR BOARD AS SUBMITTED BY THE
5 COUNTY COUNCIL IN THE COUNTY BUDGET THAT IS PREPARED IN ACCORDANCE
6 WITH ARTICLE VI OF THE HOWARD COUNTY CHARTER.

7 ~~(J)~~ (J) A MEMBER OR EMPLOYEE OF THE HEARING BOARD AND THE LIQUOR
8 BOARD IS SUBJECT TO THE PUBLIC ETHICS LAWS OF THE COUNTY.

9 ~~(K)~~ (K) (1) ~~WITHIN 30 DAYS~~ AFTER THE HEARING BOARD PROPOSES A
10 DECISION REGARDING ANY CASE BEFORE IT, A PARTY OR OTHER PARTICIPANT IN
11 THE CASE OR OTHER PERSON WHO WOULD BE AGGRIEVED BY THE DECISION MAY
12 REQUEST THE ~~COUNCIL~~ LIQUOR BOARD TO CONDUCT A HEARING AND MAKE A FINAL
13 DECISION ON THE CASE.

14 (2) A PERSON THAT MAKES A REQUEST TO THE ~~COUNCIL~~ LIQUOR BOARD
15 MUST:

16 (I) MAKE THE REQUEST IN WRITING;

17 (II) INCLUDE A COPY OF THE PROPOSED DECISION AND ORDER;

18 (III) STATE THE REASONS WHY THE PERSON BELIEVES THAT THE
19 PROPOSED DECISION IS WRONG; AND

20 (IV) SEND A COPY OF THE REQUEST AND ACCOMPANYING
21 MATERIALS TO ALL OTHER PARTIES IN THE CASE.

22 (3) IF A REQUEST IS SUBMITTED TO THE ~~COUNCIL~~ LIQUOR BOARD, THE
23 PROPOSED DECISION OF THE HEARING BOARD IS STAYED.

24 (4) ~~WITHIN 10 DAYS~~ AFTER A REQUEST FOR A HEARING IS SUBMITTED
25 TO THE ~~COUNCIL~~ LIQUOR BOARD, ANY OTHER PARTY TO THE PROCEEDING MAY
26 SUBMIT TO THE ~~COUNCIL~~ LIQUOR BOARD A RESPONSE STATING WHY THE PROPOSED
27 DECISION BY THE HEARING BOARD SHOULD BE UPHELD.

28 ~~(L)~~ (L) ~~WITHIN 15 DAYS~~ AFTER THE PERIOD TO FILE A RESPONSE ENDS, THE
29 ~~COUNCIL~~ LIQUOR BOARD SHALL:

30 (1) SCHEDULE A PUBLIC MEETING TO DECIDE WHETHER TO HEAR THE
31 CASE; AND

32 (2) NOTIFY THE PARTIES OF THE MEETING DATE.

33 ~~(M)~~ (M) THE PROPOSED DECISION OF THE HEARING BOARD BECOMES FINAL
34 IF:

35 (1) NO REQUEST FOR A HEARING IS SUBMITTED TO THE ~~COUNCIL~~
36 LIQUOR BOARD WITHIN THE TIME ALLOTTED FOR A REQUEST; OR

1 (2) THE ~~COUNCIL~~ LIQUOR BOARD DECIDES NOT TO HEAR THE CASE.

2 ~~(M)~~ ~~(N)~~ (1) ~~WITHIN 60 DAYS~~ AFTER DECIDING TO HEAR A CASE, THE
3 ~~COUNCIL~~ LIQUOR BOARD SHALL:

4 (I) SCHEDULE A HEARING DE NOVO AT WHICH THE ~~COUNCIL~~
5 LIQUOR BOARD MAY HEAR WITNESSES; AND

6 (II) NOTIFY THE PARTIES OF THE HEARING DATE.

7 (2) ~~WITHIN 30 DAYS~~ AFTER THE CLOSE OF THE HEARING RECORD, THE
8 ~~COUNCIL~~ LIQUOR BOARD SHALL ISSUE TO THE PARTIES A FINAL DECISION.

9 ~~(N)~~ ~~A PARTY MAY TAKE AN APPEAL FROM A FINAL DECISION OF THE COUNCIL~~
10 ~~TO CIRCUIT COURT IN ACCORDANCE WITH § 10-222 OF THE STATE GOVERNMENT~~
11 ~~ARTICLE.~~

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

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

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

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

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

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

25 ~~(Q)~~ ~~(Q)~~ (1) A HOLDER OF A LICENSE, A PERSON APPLYING FOR AN
26 ALCOHOLIC BEVERAGES LICENSE, OR A PERSON ENGAGED IN THE MANUFACTURE
27 OR SALE OF ALCOHOLIC BEVERAGES MAY NOT DIRECTLY OR INDIRECTLY OFFER TO
28 PAY A COMMISSION, PROFIT, OR REMUNERATION OR MAKE A GIFT OF MORE THAN
29 NOMINAL VALUE TO:

30 ~~(1)~~ ~~A COMMISSIONER;~~

31 (1) A MEMBER OF THE HEARING BOARD OR OF THE LIQUOR
32 BOARD;

33 (II) AN EMPLOYEE OF THE ~~BOARD~~ HEARING BOARD OR OF THE
34 LIQUOR BOARD; OR

1 (III) AN AGENT ACTING ON BEHALF OF A ~~COMMISSIONER OR~~
 2 ~~EMPLOYEE ASSIGNED TO THE BOARD~~ MEMBER OF THE HEARING BOARD OR OF THE
 3 LIQUOR BOARD OR EMPLOYEE ASSIGNED TO THE HEARING BOARD OR THE LIQUOR
 4 BOARD.

5 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
 6 MISDEMEANOR AND SUBJECT TO A FINE OF NOT MORE THAN \$1,000.

7 15-109.

8 [(o) In Howard County, the annual reimbursement for expenses incurred in the
 9 performance of the duties of the Board of License Commissioners is as follows:

10 (1) Chairman - \$55 per meeting attended; and

11 (2) Other members - \$50 per meeting attended.]

12 15-112.

13 [(o) (1) This subsection applies only in Howard County.

14 (2) The Board may employ inspectors as necessary at a compensation as
 15 the County Council budgets. The inspectors shall:

16 (i) Be known as "alcoholic beverages inspectors for Howard
 17 County";

18 (ii) Each have all the powers of a peace officer or a constable or
 19 sheriff of this State;

20 (iii) Make oath to faithfully perform the duties entrusted to them, as
 21 provided in Article I, § 9 of the Constitution of this State; and

22 (iv) Have the duties prescribed by the Board.

23 (3) The services of the bureau of inspection and licenses, the office of the
 24 County solicitor, and other County departments and offices shall be made available to
 25 the Board.

26 (4) A commissioner may not:

27 (i) Have any interest, direct or indirect, either proprietary or by
 28 means of any loan, mortgage or lien, or in any other manner, in or to any premises
 29 where alcoholic beverages are manufactured or sold;

30 (ii) Have any interest, direct or indirect, in any business wholly or
 31 partially devoted to the manufacture or sale of alcoholic beverages;

32 (iii) Own any stock in any corporation which has any interest,
 33 proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages

1 are manufactured or sold or in any business wholly or partially devoted to the
2 manufacture or sale of alcoholic beverages; or

3 (iv) Hold any other public office or employment.

4 (5) (i) A commissioner or County employee or Board employee may not
5 solicit or receive directly or indirectly, any commission, remuneration or gift
6 whatsoever from any person, or corporation engaged in the manufacture or sale of
7 beer or other alcoholic beverages, nor from any agent or employee of such person or
8 corporation, or from any licensee, licensed under the provisions of this article.

9 (ii) A person or corporation engaged in the manufacture or sale of
10 beer or other alcoholic beverages, nor any agent or employee of that person or
11 corporation, and a licensee licensed under the provisions of this article, either directly
12 or indirectly, may not offer to pay any commission, profit or remuneration or make
13 any gift to any commissioner or County or Board employee or to anyone on behalf of
14 the commissioners or County or Board employee.

15 (iii) Any person violating any of the provisions of this subsection is
16 guilty of a misdemeanor and upon conviction may be fined not more than \$1,000.]

17 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 15-101(p)
18 through (y) and 15-109(p) through (y), respectively, of Article 2B - Alcoholic
19 Beverages of the Annotated Code of Maryland be renumbered to be Section(s)
20 15-101(o) through (x) and 15-109(o) through (x), respectively.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
22 members of the Board of License Commissioners of Howard County shall expire as
23 follows:

24 (1) in 1999, the member to be nominated by the Council member representing
25 the First Councilmanic District;

26 (2) in 2000, the member to be nominated by the Council member representing
27 the Second Councilmanic District;

28 (3) in 2001, the member to be nominated by the Council member representing
29 the Third Councilmanic District;

30 (4) in 2002, the member to be nominated by the Council member representing
31 the Fourth Councilmanic District; and

32 (5) in 2003, the member to be nominated by the Council member representing
33 the Fifth Councilmanic District.

34 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect October 1, 1998.

