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Committee Report: Favorable Senate action: Adopted	By: Senators Madden, McCabe, and Kasemeyer	
Assigned to: Economic and Environmental Affairs  Committee Report: Favorable Senate action: Adopted Read second time: March 11, 1998	Introduced and read first time: February 6, 1998	
Senate action: Adopted	Assigned to: Economic and Environmental Affairs	
1	Committee Report: Favorable	 
Read second time: March 11, 1998	Senate action: Adopted	
Read Second time. Watch 11, 1990	Read second time: March 11, 1998	

## CHAPTER\_\_\_\_

## 1 AN ACT concerning

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# Howard County - Board of License Commissioners

3 FOR the purpose of establishing a Board of License Commissioners in Howard County, appointed by the County Council for Howard County; providing for the 4 5 membership, powers, and duties of the Board; providing for the compensation of the chairperson and other Board members; requiring that Board members not 6 have interests in certain premises except under certain circumstances; requiring 7 that Board members not receive or solicit a commission, remuneration, or gift 8 9 from certain persons; providing for the compensation of the chairperson and 10 other members of the Board; providing for a quorum of the Board and a certain 11 number of Board members to take action; requiring the County Council for 12 Howard County to employ an administrator for the Board; requiring the chief of 13 the Howard County Police Department to provide a sworn member of the Police 14 Department as an inspector to assist the Board; authorizing the County Council 15 to provide other County employees to the Board; requiring the Board to propose 16 certain regulations and submit them to the County Council for approval; requiring the Board to submit an annual budget request by a certain date to the 17 18 County Council; requiring the County Council to review the budget request and 19 submit a budget for the Board to the County Executive; establishing procedures for the County Council to conduct hearings and make final decisions on certain 20 cases; providing for appeals to the circuit court under certain circumstances; 21

prohibiting a holder of a license, a person applying for a license, or a person

a certain penalty for a violation of a certain penalty; defining certain terms;

repealing certain obsolete provisions from the Code; and generally relating to the establishment of the Board of License Commissioners in Howard County.

engaged in the manufacture or sale of alcoholic beverages from offering to pay a

commission, profit, or remuneration or make a gift to certain persons; providing

34 INDICATED.

2	SENATE BILL 374
1 2 3 4 5	BY repealing Article 2B - Alcoholic Beverages Section 15-101(o), 15-109(o), and 15-112(o) Annotated Code of Maryland (1996 Replacement Volume and 1997 Supplement)
6 7 8 9 10	BY repealing and reenacting, with amendments, Article 2B - Alcoholic Beverages Section 15-105(a) Annotated Code of Maryland (1996 Replacement Volume and 1997 Supplement)
11 12 13 14 15	Section 15-107.1
16 17 18 19 20 21	Section 15-101(p) through (y) and 15-109(p) through (y), respectively to be Section 15-101(o) through (x) and 15-109(o) through (x), respectively
22 23	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
24	Article 2B - Alcoholic Beverages
25	15-101.
26	[(o) The provisions of § 15-105 of this article apply in Howard County.]
27	15-105.
30	(a) The respective Boards of County Commissioners shall ex officio constitute the Boards of License Commissioners in Dorchester and Kent Counties. [In Howard County, the County Council shall ex officio constitute the Board of License Commissioners.]
32	15-107.1.

33 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS

### **SENATE BILL 374**

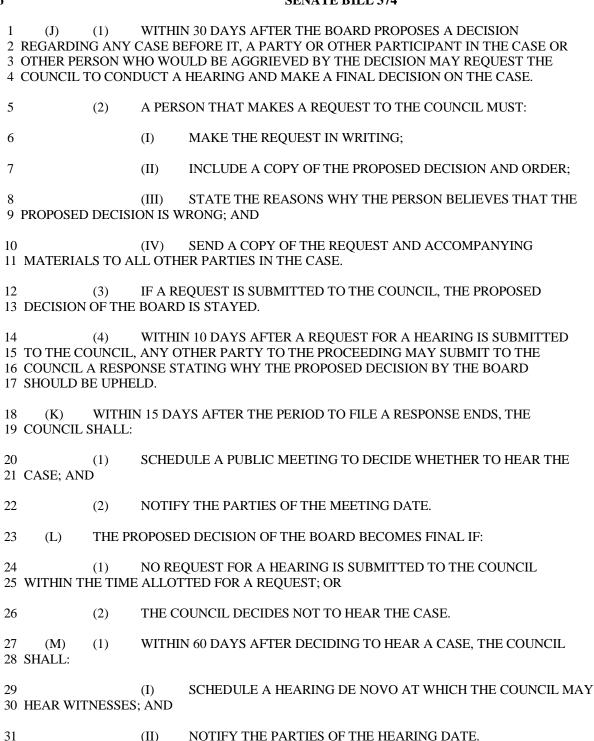
"BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS IN (2) 2 HOWARD COUNTY. "COUNTY COUNCIL" MEANS THE COUNTY COUNCIL FOR HOWARD (3) 4 COUNTY. (4) "COUNTY" MEANS HOWARD COUNTY. "BOARD MEMBER" MEANS A MEMBER OF THE BOARD OF LICENSE (5) 7 COMMISSIONERS IN HOWARD COUNTY. (B) THERE IS A BOARD OF LICENSE COMMISSIONERS IN HOWARD 8 (1) 9 COUNTY. THE BOARD CONSISTS OF FIVE MEMBERS, ONE FROM EACH 11 COUNCILMANIC DISTRICT. (I) NOT MORE THAN THREE MEMBERS SHALL BE REGISTERED 12 (3) 13 WITH THE SAME POLITICAL PARTY. EACH POLITICAL PARTY THAT POLLED AT LEAST 25% OF THE 14 (II)15 TOTAL VOTE CAST FOR ALL CANDIDATES FOR THE OFFICE OF COUNTY EXECUTIVE IN 16 THE MOST RECENT GENERAL ELECTION SHALL HAVE AT LEAST ONE 17 REPRESENTATIVE ON THE BOARD. (III)IF A POLITICAL PARTY THAT POLLED AT LEAST 25% OF THE 18 19 TOTAL VOTE CAST FOR ALL CANDIDATES FOR THE OFFICE OF COUNTY EXECUTIVE IN 20 THE MOST RECENT GENERAL ELECTION DOES NOT HAVE AT LEAST ONE 21 REPRESENTATIVE ON THE BOARD, THE NEXT VACANCY ON THE BOARD SHALL BE 22 FILLED WITH AN INDIVIDUAL REGISTERED WITH THAT PARTY. 23 EACH MEMBER OF THE COUNTY COUNCIL SHALL NOMINATE TO (4) (I)24 THE COUNTY EXECUTIVE THREE INDIVIDUALS WHO LIVE IN THE DISTRICT OF THE 25 MEMBER OF THE COUNTY COUNCIL. THE COUNTY EXECUTIVE SHALL APPOINT TO THE BOARD ONE 26 (II)27 INDIVIDUAL FROM THE LIST OF NOMINEES THAT EACH MEMBER OF THE COUNTY 28 COUNCIL SUBMITS. THE COUNTY COUNCIL BY RESOLUTION SHALL CONFIRM THE (III)30 APPOINTMENT OF BOARD MEMBERS. TO QUALIFY FOR APPOINTMENT AS A BOARD MEMBER, AN 31 32 INDIVIDUAL SHALL BE: 33 (I) OF GOOD MORAL CHARACTER AND INTEGRITY; A REGISTERED VOTER OF THE COUNTY IMMEDIATELY PRIOR (II)35 TO THE APPOINTMENT; AND 36 (III)AT LEAST 21 YEARS OF AGE.

### **SENATE BILL 374**

- $1 \quad (C) \quad (1) \quad A \ BOARD \ MEMBER \ MAY \ NOT \ HOLD \ ANOTHER \ PUBLIC \ OFFICE \ OR \ BE 2 \ EMPLOYED \ BY \ A \ PUBLIC \ BODY.$
- 3 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
- 4 PARAGRAPH, A BOARD MEMBER MAY NOT HAVE A DIRECT OR INDIRECT INTEREST IN
- 5 ANY PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD, OR
- $6\,$  IN ANY BUSINESS WHOLLY OR PARTIALLY DEVOTED TO THE MANUFACTURE OR SALE
- 7 OF ALCOHOLIC BEVERAGES.
- 8 (II) A BOARD MEMBER MAY BE A HOLDER OF A 1-DAY OR 2-DAY
- 9 ALCOHOLIC BEVERAGES LICENSE.
- 10 (3) A BOARD MEMBER IS REQUIRED TO BE A REGISTERED VOTER OF THE
- 11 COUNTY DURING THE BOARD MEMBER'S TERM OF OFFICE.
- 12 (4) (I) EXCEPT FOR THE TERMS OF SOME OF THE INITIAL BOARD
- 13 MEMBERS, THE TERM OF A BOARD MEMBER IS 5 YEARS.
- 14 (II) THE TERMS OF BOARD MEMBERS ARE STAGGERED AS
- 15 REQUIRED BY THE TERMS PROVIDED FOR BOARD MEMBERS ON OCTOBER 1, 1998.
- 16 (5) A BOARD MEMBER WHO IS APPOINTED TO FILL A VACANCY SHALL
- 17 SERVE THE REMAINDER OF THE UNEXPIRED TERM.
- 18 (6) A BOARD MEMBER WHOSE TERM HAS EXPIRED AND WHO HAS
- 19 SERVED 8 OR MORE CONSECUTIVE YEARS ON THE BOARD IS NOT ELIGIBLE FOR
- 20 IMMEDIATE REAPPOINTMENT TO THE BOARD.
- 21 (7) THE COUNTY COUNCIL MAY REMOVE A MEMBER FOR
- 22 INCOMPETENCE, MISCONDUCT, NEGLECT OF A DUTY REQUIRED BY LAW,
- 23 UNPROFESSIONAL CONDUCT, DISHONORABLE CONDUCT, A VIOLATION OF ANY OF
- 24 THE PROVISIONS OF SUBSECTION (I) OF THIS SECTION OR FAILURE TO MEET THE
- 25 QUALIFICATIONS OF SUBSECTION (C)(1), (2), OR (3) OF THIS SECTION.
- 26 (D) (1) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A
- 27 CHAIRPERSON.
- 28 (2) (I) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD
- 29 IS A QUORUM.
- 30 (II) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE BOARD
- 31 IS NEEDED TO TAKE ACTION.
- 32 (3) THE BOARD SHALL MEET AT LEAST ONCE EACH MONTH AND MAY
- 33 MEET MORE OFTEN IF NEEDED.
- 34 (E) THE COMPENSATION OF THE BOARD MEMBERS FOR THE PERFORMANCE
- 35 OF THEIR DUTIES SHALL BE:

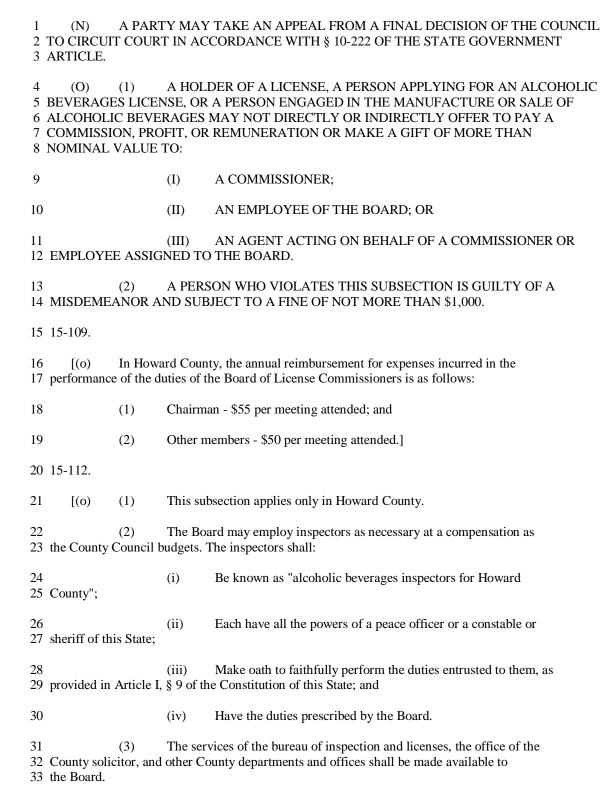
- 1 (1) FOR THE CHAIRPERSON, \$55 PER MEETING ATTENDED, NOT TO 2 EXCEED \$1,300 IN A FISCAL YEAR REGARDLESS OF THE NUMBER OF MEETINGS 3 ATTENDED; AND
- 4 (2) FOR OTHER BOARD MEMBERS, \$50 PER MEETING ATTENDED, NOT TO 5 EXCEED \$1,200 IN A FISCAL YEAR REGARDLESS OF THE NUMBER OF MEETINGS
- 6 ATTENDED.
- 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 (2) THE CHIEF OF THE HOWARD COUNTY POLICE DEPARTMENT SHALL
- 10 PROVIDE A SWORN MEMBER OF THE HOWARD COUNTY POLICE DEPARTMENT AS AN
- 11 INSPECTOR TO ASSIST THE BOARD IN CARRYING OUT ITS RESPONSIBILITIES AND IN
- 12 ENFORCING THE LAW.
- 13 (3) THE COUNTY COUNCIL MAY PROVIDE OTHER COUNTY EMPLOYEES
- 14 TO THE BOARD IF THE COUNTY COUNCIL DETERMINES THAT ADDITIONAL STAFF IS
- 15 NECESSARY FOR THE BOARD TO CARRY OUT ITS RESPONSIBILITIES.
- 16 (G) THE BOARD SHALL PROPOSE REASONABLE REGULATIONS TO ENABLE IT
- 17 TO DISCHARGE ITS DUTIES, INCLUDING THE ISSUANCE OF ALCOHOLIC BEVERAGES
- 18 LICENSES, AND SHALL SUBMIT PROPOSED REGULATIONS TO THE COUNTY COUNCIL
- 19 FOR APPROVAL.
- 20 (H) (1) THE BOARD SHALL SUBMIT AN ANNUAL BUDGET REQUEST TO THE
- 21 COUNTY COUNCIL NOT LATER THAN JANUARY 15 IN EACH YEAR FOR THE ENSUING
- 22 FISCAL YEAR.
- 23 (2) A BUDGET REQUEST SHALL INCLUDE:
- 24 (I) SALARIES OF THE CHAIRPERSON AND BOARD MEMBERS;
- 25 (II) COMPENSATION OF PERSONNEL ASSIGNED TO THE BOARD;
- 26 AND
- 27 (III) EXPENSES FOR OFFICE SUPPLIES, EQUIPMENT, AND SERVICES
- 28 NECESSARY FOR CARRYING OUT THE RESPONSIBILITIES OF THE BOARD.
- 29 (3) (I) THE COUNTY COUNCIL SHALL REVIEW THE BUDGET REQUEST
- 30 AND SHALL SUBMIT A BUDGET FOR THE BOARD TO THE COUNTY EXECUTIVE IN THE
- 31 AMOUNT THAT THE COUNTY COUNCIL DETERMINES IS ADEQUATE TO SUPPORT THE
- 32 DUTIES AND RESPONSIBILITIES OF THE BOARD.
- 33 (II) THE COUNTY EXECUTIVE SHALL INCLUDE THE BUDGET FOR
- 34 THE BOARD AS SUBMITTED BY THE COUNTY COUNCIL IN THE COUNTY BUDGET THAT
- 35 IS PREPARED IN ACCORDANCE WITH ARTICLE VI OF THE HOWARD COUNTY CHARTER.
- 36 (I) A MEMBER OR EMPLOYEE OF THE BOARD IS SUBJECT TO THE PUBLIC
- 37 ETHICS LAWS OF THE COUNTY.

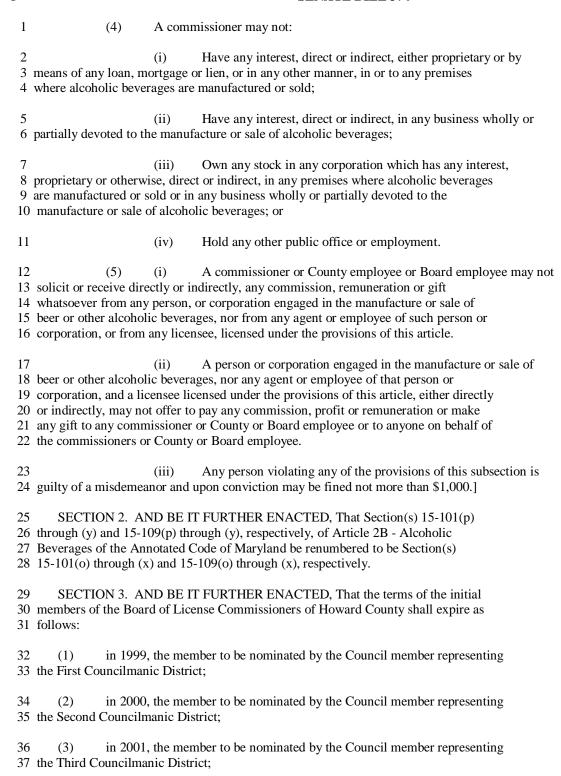
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WITHIN 30 DAYS AFTER THE CLOSE OF THE HEARING RECORD, THE

33 COUNCIL SHALL ISSUE TO THE PARTIES A FINAL DECISION.





- 1 (4) in 2002, the member to be nominated by the Council member representing 2 the Fourth Councilmanic District; and
- 3 (5) in 2003, the member to be nominated by the Council member representing 4 the Fifth Councilmanic District.
- 5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take 6 effect October 1, 1998.