

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

House Bill 473

(Delegate Cane, *et al.*)

Economic Matters

Education, Health, and Environmental  
Affairs

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Wicomico County - Board of License Commissioners - Authority and Status as  
State Agency

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This bill provides that the Wicomico County Board of License Commissioners is a State agency that administers the alcoholic beverages laws and may grant, refuse, revoke, or suspend licenses for the sale of alcoholic beverages.

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Fiscal Summary

**State Effect:** None. The bill clarifies current law.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law/Background:** State law does not specifically indicate that a county board of license commissioners is a State agency. However, State law (Article 2B, 15-108) does provide that the Garrett County Liquor Control Board is a State agency.

Despite the lack of a specific statutory provision asserting that a board of license commissioners is a State agency, there is evidence that the boards are considered State agencies. As discussed above, State law specifically identifies the Garrett County Liquor Control Board as a State agency, which, despite its name, functions as a board of license commissioners. The Maryland Tort Claims Act defines State personnel, in part, to mean

a member of a board of license commissioners of a county. Additionally, an Attorney General's Opinion, *64 Op. Att'y Gen. 151, 155 (1979)*, concluded that members of a board of license commissioners are officers in the Executive Branch of State government.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 620 (Senator Colburn) – Education, Health, and Environmental Affairs.

**Information Source(s):** Wicomico County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2006  
ncs/hlb

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Analysis by: Karen S. Benton

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510