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OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

April 21, 2009

The Honorable Martin O'Malley
Governor of Maryland
State House
Annapolis, Maryland 21401-1991

RE: House Bill 964

Dear Governor O'Malley:

We have reviewed and hereby approve House Bill 964, "Prince George's County - Alcoholic Beverages Licenses - Application Requirements" for constitutionality and legal sufficiency. We write to discuss the interaction between this bill and Chapter 152 of 2009, which you signed on April 14.

Chapter 152, which enacted House Bill 731, "Baltimore County and Howard County - Alcoholic Beverages Licenses - Application Requirements - Citizenship Status," amends Article 2B, § 10-103 to eliminate language that exempted Baltimore and Howard counties from the requirement that an application for an alcoholic beverages license state that the applicant is a citizen of the United States, and contain information about the applicant's place of birth and naturalization, if any. Chapter 152 replaces this exemption with a requirement that an applicant in Baltimore or Howard County state whether they are a natural born or naturalized citizen, and that, if neither is the case, the applicant present evidence as required by the Board of License Commissioners with respect to the alien status of the applicant.

House Bill 964 amends the same provisions of law to indicate that in Prince George's County, an applicant must either state that they are a citizen, or if not, prove that they are in legal status in accordance with federal law. In setting out the relevant law, the bill includes the exemptions for Baltimore and Howard counties that were repealed by Chapter 152. Because it is clear that it is not the intent of House Bill 964 to have any effect on the law in Baltimore or Howard county, it is our view that the bill should not be given the effect of reinstating this language. As a result, the language of the affected provisions would read as follows:

(b) Except as otherwise provided in this subtitle, every new application for a license shall be made to the Board of License Commissioners upon forms prescribed by the Comptroller and sworn to by the applicant. Every application for a license shall contain the following statements:

(3)(i) A statement that the applicant is a citizen of the United States; or

(ii) In Prince George's County, if the applicant is not a citizen of the United States, a statement that the applicant is in legal status in accordance with federal law.

(3-a)(i) In Baltimore County and Howard County, a statement whether the applicant is a natural-born citizen or a naturalized citizen and, if the applicant is not a natural-born citizen or a naturalized citizen, the applicant shall provide the information or documentation required by the Baltimore County Board of Liquor License Commissioners or the Board of License Commissioners of Howard County to show proof of alien status.

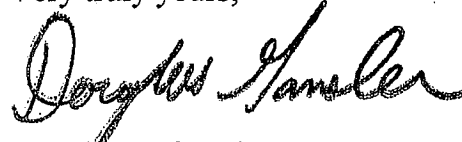
(ii) The Board of Baltimore County Board of Liquor License Commissioners and the Board of License Commissioners of Howard County may obtain information from the Social Security Administration and the Department of Homeland Security - Immigration and Customs to verify the applicant's citizenship or alien status.

(6) Except as provided in subsection (b-1) of this section, the place of birth of the applicant, and if a naturalized citizen, when and where he was naturalized;

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(b-1) In Prince George's County, if the applicant is in legal status in accordance with federal law, the application for a license shall contain proof of the applicant's legal status.

Very truly yours,

A handwritten signature in black ink, appearing to read "Douglas F. Gansler". The signature is fluid and cursive, with the first name "Douglas" being more prominent than the last name "Gansler".

Douglas F. Gansler
Attorney General

DFG/KMR/mlb
HB964.wpd

cc: The Honorable Melony G. Griffith
The Honorable John P. McDonough
Joseph Bryce
Karl Aro