

HB1304/624532/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1304
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “imposing” and substitute “altering”; strike beginning with “, require” in line 9 down through “units” in line 10; strike beginning with “requiring” in line 11 down through “information” in line 17 and substitute “requiring the Board to apply for certain criminal records and to submit certain information and certain fees to the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services; requiring the Central Repository to forward certain information to an applicant and the Board; providing that certain information is confidential, may not be redisseminated, and may be used only for a certain purpose; establishing a certain nonrefundable license renewal fee”; in line 18, after “license” insert “and a special outdoor entertainment license”; in line 20, strike “fee” and substitute “fees”; in the same line, after “licenses” insert “and special outdoor entertainment licenses”; and in line 23, after “employ;” insert “altering the annual salary of the attorney for the Board;”.

On page 2, in line 3, strike “certain sections” and substitute “a certain provision”; in line 7, after “1-102(b),” insert “5-101(c)(1), 5-201(c), 5-202(d), 5-301(c), 5-401(c)(1)(i), 6-101(c), 6-201(c), 6-301(c)(2), (5)(ii), (6)(ii), and (7)(ii), 6-401(c)(3), 7-101(b)(2)(i) and (d)(2),”; in line 9, after “8-202(d)(4)(ii)” insert “and (5), (e)(3), (h)(4)(i), and (i)(4)(i), 8-202.1(f)”; in line 10, strike “10-204(c),”; in the same line, after “15-112(c)(3)” insert “and (5)(iii)”; strike in their entirety lines 14 through 18, inclusive; in line 21, after “4-201(a)(1),” insert “5-101(a)(1), 5-202(b)(1), 5-301(a)(1), 5-401(a)(1), 6-101(a)(1), 6-301(a)(1), (c)(1), (5)(i), (6)(i), and (7)(i), 6-401(a)(1) and (c)(1), 7-101(b)(1)(i),”; in line 23, after “(2),” insert “(e)(1), (h)(3), and”; in the same line, after “(i)(1),” insert “8-202.1(a) and (c)(1),”; in line 29, strike “and”; and in the same line, after “10-103(b)(13)(xv)” insert “, and 10-301(u)”.

(Over)

AMENDMENT NO. 2

On page 3, after line 19, insert:

“5-101.

(a) (1) A Class A beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer and light wines at retail, in any quantity to any consumers, at the place described in the license. The holder shall deliver the beer and light wines in a sealed package or container, which package or container may not be opened nor its contents consumed on the premises where sold.

(c) (1) In Anne Arundel County the annual license fee is [~~\$200~~] **\$240.**”;

and in line 29, after “(c)” insert:

“(1) This subsection applies only in Anne Arundel County.

(2) The annual license fee for a Class B beer and light wine license is [~~\$400~~] **\$480.**”.

On page 4, after line 7, insert:

“5-202.

(b) (1) A Class H beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and sell beer and light wines at retail at any hotel or restaurant, at the place described in the license, for consumption on the premises.

(d) In Anne Arundel County the annual license fee is [~~\$300~~] **\$360.**

5-301.

(a) (1) Except as provided in subsection (n) of this section, a Class C beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The holder of the license may keep for sale and sell beer and light wines at retail to bona fide members and their guests, at any club, at the place described in the license, for consumption on the premises only.

(c) In Anne Arundel County the annual license fee is [~~\$100~~] **\$120.**

5-401.

(a) (1) A Class D beer and light wine license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes its holder to keep for sale and to sell beer and light wines at retail, at the place described in the license, for consumption on the premises or elsewhere. The license may not be issued for any drugstore.

(c) (1) (i) In Anne Arundel County the annual license fee is [~~\$400~~] **\$480.**

6-101.

(a) (1) A Class A beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. The license authorizes the holder to keep for sale and to sell all alcoholic beverages at retail, in any quantity, at the place described in the license. The licensee shall deliver the alcoholic beverages in a sealed package or container and the package or container may not be opened nor its contents consumed on the premises where sold.

(c) In Anne Arundel County the annual license fee is [~~\$600~~] **\$720.**

(Over)

6-201.

(c) (1) The provisions of this subsection apply only in Anne Arundel County and do not apply to the City of Annapolis.

(2) The annual fee for a Class B license is [~~\$900~~] **\$1,080.**

(3) (i) A Class H beer, wine and liquor license authorizes the holder to keep for sale and sell beer, wine and liquor at retail at any restaurant for consumption on the premises.

(ii) The annual fee for this license is [~~\$800~~] **\$960.**

6-301.

(a) (1) Except as provided in subsection (n) of this section, a Class C beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at any club, at the place described in the license, for consumption on the premises only.

(c) (1) This subsection applies only in Anne Arundel County.

(2) The annual license fee is [~~\$400~~] **\$480.**

(5) (i) There is a special Class C (yacht club) license.

(ii) The annual license fee is [~~\$1,500~~] **\$1,800.**

(6) (i) There is a special Class C (golf and country club) license.

(ii) The annual license fee is [~~\$1,500~~] **\$1,800**.

(7) (i) There is a special Class C (country club) license.

(ii) The annual license fee is [~~\$625~~] **\$750**.

6-401.

(a) (1) A Class D beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the place described in it, for consumption on the premises or elsewhere. A license may not be issued for any drugstore.

(c) (1) This subsection applies only in Anne Arundel County.

(3) (i) The annual license fee for a limited Class D license is [~~\$900~~] **\$1,080**.

(ii) The annual license fee for a Class D on- and off-sale license is [~~\$1,000~~] **\$1,200**.

7-101.

(b) (1) (i) Subject to subsection (a) of this section, a special Class C beer license or a special Class C beer and wine license entitles the holder to exercise any of the privileges conferred by the respective classes of licenses for the use of any person holding any bona fide entertainment conducted by any club, society or association at the place described in the license, for a period not exceeding seven consecutive days from the effective date thereof.

(2) In Anne Arundel County:

(Over)

(i) The fee is [\$10] **\$25** per day; and

(d) (2) In Anne Arundel County:

(i) A special beer, wine and liquor license, Class C licensee may purchase beer from a wholesaler;

(ii) The fee is [\$25] **\$50** per day; and

(iii) The provisions of §§ 10–103(b) and 10–202 of this article and § 10–501 of the State Government Article do not apply to an applicant for the license.”.

On page 7, after line 2, insert:

“(5) (i) The annual fee for each beer and light wine “special Sunday license” is [\$50] **\$60**.

(ii) The annual fee for each beer, wine and liquor “special Sunday license” is [\$100] **\$120**.

(e) (1) There is a racetrack license.

(3) The license fee is [\$50] **\$60** per day to be paid on January 1 for the racing of the preceding year, payable to the Board. It entitles the holder to sell at one or more locations within its park.

(h) (3) The Board may issue a resort complex license covering “on–sales” of beer, wine and liquor to any person, for the sale of any and all alcoholic beverages within the confines of the resort complex. This license shall be issued only to the person, firm, or corporation owning or leasing a resort complex.

(4) (i) The annual license fee is [\$1,500] **\$1,800.**

(i) (1) There is a motel/hotel–restaurant license.

(4) (i) The annual license fee for each separate establishment is [\$3,000] **\$3,600.**

On page 8, after line 4, insert:

“8–202.1.

(a) This section applies only in Anne Arundel County.

(c) (1) There is a 7–day Class BLX (deluxe restaurant) (on–sale) beer, wine and liquor license.

(f) The annual license fee is [\$1,000] **\$1,200.**

AMENDMENT NO. 3

On pages 8 through 10, strike in their entirety the lines beginning with line 10 on page 8 through line 30 on page 10, inclusive, and substitute:

“10-103.

(b) (13) (XV) **1. THIS SUBPARAGRAPH APPLIES ONLY IN ANNE ARUNDEL COUNTY.**

2. IN THIS SUBPARAGRAPH, “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(Over)

3. THE BOARD OF LICENSE COMMISSIONERS SHALL OBTAIN CRIMINAL RECORDS OF EACH ALCOHOLIC BEVERAGES LICENSE APPLICANT FROM THE ANNE ARUNDEL COUNTY POLICE DEPARTMENT AND THE CENTRAL REPOSITORY.

4. THE BOARD OF LICENSE COMMISSIONERS SHALL APPLY TO THE CENTRAL REPOSITORY FOR A CRIMINAL HISTORY RECORDS CHECK FOR EACH ALCOHOLIC BEVERAGES LICENSE APPLICANT AND, AS PART OF THE APPLICATION, SHALL SUBMIT TO THE CENTRAL REPOSITORY:

A. TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

B. THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO THE MARYLAND CRIMINAL HISTORY RECORDS; AND

C. THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

5. THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE BOARD OF LICENSE COMMISSIONERS THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.

6. INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBPARAGRAPH:

A. IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

B. MAY BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED UNDER THIS SECTION.

10-301.

(U) IN ANNE ARUNDEL COUNTY, AN APPLICANT FOR A RENEWAL OF A LICENSE SHALL PAY TO THE LOCAL COLLECTING AGENT A NONREFUNDABLE RENEWAL FEE OF \$50 IN ADDITION TO THE ANNUAL LICENSE FEE.

AMENDMENT NO. 4

On page 11, in line 31, strike “**\$100**” and substitute “**\$200**”; and in line 35, strike “**GRANT PERMISSION**” and substitute “**ISSUE A SPECIAL OUTDOOR ENTERTAINMENT LICENSE**”.

On page 12, in line 2, after “**SUBSECTION**” insert a period; and strike in their entirety lines 5 through 8, inclusive, and substitute:

“(II) A SPECIAL OUTDOOR ENTERTAINMENT LICENSE UNDER THIS PARAGRAPH ENTITLES THE HOLDER TO PROVIDE:

1. THE SAME FORM OF ENTERTAINMENT OUTDOORS THAT THE HOLDER IS ALLOWED TO PROVIDE INDOORS UNDER THE HOLDER’S SPECIAL DANCING LICENSE OR SPECIAL MUSIC LICENSE; AND

2. OUTDOOR TABLE SERVICE OR CAFE SERVICE.

(Over)

(III) THE ANNUAL FEE FOR A SPECIAL OUTDOOR ENTERTAINMENT LICENSE IS \$500.

(IV) BEFORE A SPECIAL OUTDOOR ENTERTAINMENT LICENSE IS RENEWED, THE HOLDER OF THE LICENSE SHALL OBTAIN APPROVAL FROM THE BOARD”.

On page 13, strike in their entirety lines 10 through 12, inclusive, and substitute:

“(5) The Board of License Commissioners:

(iii) Shall employ an attorney at an annual salary of [\$12,000] \$20,000.”.

On page 14, strike in their entirety lines 3 through 20, inclusive, and substitute:

“(c) (1) (I) In Anne Arundel County the Board of License Commissioners may impose a fine of not more than [\$1,000 in lieu of suspension of a license] \$2,500 OR SUSPEND THE LICENSE OR BOTH for any violation that is cause for suspension under the alcoholic beverage laws affecting Anne Arundel County.

(II) A FINE OR SUSPENSION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS IN ADDITION TO ANY OTHER TERM OR CONDITION THAT THE BOARD MAY IMPOSE AS A RESULT OF THE VIOLATION.

SECTION 2. AND BE IT FURTHER ENACTED, That Article 2B, § 16–101(e)(4)(ii)1, as enacted by Section 1 of this Act, shall be construed to apply retroactively and shall be applied to and interpreted to affect all matters on judicial review in the Circuit Court for Anne Arundel County on or after August 1, 2008.”;

in line 21, strike “4.” and substitute “3.”; and in line 22, strike “June 1, 2009” and substitute “July 1, 2009”.