

SENATE BILL 1010

A2

9lr3346

By: **Senator Colburn**

Introduced and read first time: March 2, 2009

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 5, 2009

Committee Report: Favorable

Senate action: Adopted

Read second time: March 24, 2009

CHAPTER _____

1 AN ACT concerning

2 **Dorchester County – New Board of License Commissioners**

3 FOR the purpose of repealing provisions of law that designate the Dorchester County
4 Council as the Board of License Commissioners of Dorchester County; creating
5 the Board of License Commissioners of Dorchester County; providing that the
6 Board consists of a certain number of members; providing for the appointment
7 of the members by the Governor, subject to the advice and consent of the Senate
8 of Maryland; providing for certain nominating procedures that are to be used in
9 the appointment process for the members of the Board; providing for the term of
10 each member; requiring the Governor to ensure that the two major political
11 parties be represented on the Board; providing that Board members may be
12 appointed to one or more consecutive terms; providing that the Governor shall
13 appoint the chair of the Board; providing that the Governor may remove Board
14 members for certain reasons; providing for the staggering of the terms of the
15 members and for the initial terms for certain members; and generally relating
16 to the Dorchester County Board of License Commissioners.

17 BY repealing and reenacting, with amendments,
18 Article 2B – Alcoholic Beverages
19 Section 15–101(k) and 15–105
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2008 Supplement)

22 BY adding to
23 Article 2B – Alcoholic Beverages

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 15–105.1
2 Annotated Code of Maryland
3 (2005 Replacement Volume and 2008 Supplement)

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

6 **Article 2B – Alcoholic Beverages**

7 15–101.

8 (k) The provisions of § [15–105] **15–105.1** of this article apply in Dorchester
9 County.

10 15–105.

11 [(a)] The [respective Boards] **BOARD** of County Commissioners shall ex officio
12 constitute the [Boards] **BOARD** of License Commissioners in [Dorchester and] Kent
13 [counties] **COUNTY**.

14 [(b) (1)] In Dorchester County, the County Commissioners may appoint a
15 substitute member to the Board of License Commissioners.

16 (2) The substitute member shall be from the same County
17 Commissioner district as the appointing County Commissioner.

18 (3) The substitute member serves at the will of the appointing County
19 Commissioner and shall serve for as long as the appointing County Commissioner
20 remains in office as County Commissioner.

21 (4) The substitute member has all the powers, authority, and duties of
22 the appointing commissioner when acting on the Board.]

23 **15–105.1.**

24 (A) **THERE IS A BOARD OF LICENSE COMMISSIONERS IN DORCHESTER**
25 **COUNTY.**

26 (B) **THE BOARD CONSISTS OF FIVE MEMBERS WHO SHALL BE:**

27 (1) **NOMINATED TO THE BOARD IN ACCORDANCE WITH**
28 **SUBSECTION (C) OF THIS SECTION; AND**

29 (2) **APPOINTED TO THE BOARD BY THE GOVERNOR IN**
30 **ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION AND SUBJECT TO THE**
31 **ADVICE AND CONSENT OF THE SENATE OF MARYLAND.**

1 **(C) (1) THE NOMINATION PROCEDURES FOR THE APPOINTMENT OF**
2 **THE MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS ARE AS SET FORTH**
3 **IN THIS SUBSECTION.**

4 **(2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, EACH**
5 **MEMBER OF THE DORCHESTER COUNTY COUNCIL SHALL NOMINATE AN**
6 **INDIVIDUAL FROM THAT MEMBER'S COUNCILMANIC DISTRICT TO SERVE ON THE**
7 **BOARD AND SHALL SUBMIT THAT INDIVIDUAL'S NAME TO THE GOVERNOR.**

8 **(3) THE TWO MAJOR POLITICAL PARTY CENTRAL COMMITTEES IN**
9 **DORCHESTER COUNTY SHALL EACH NOMINATE AN INDIVIDUAL FROM EACH OF**
10 **THE COUNCILMANIC DISTRICTS TO SERVE ON THE BOARD AND SUBMIT THE**
11 **NAMES OF THE INDIVIDUALS TO THE GOVERNOR.**

12 **(4) MEMBERS OF THE COUNTY COUNCIL:**

13 **(I) MAY NOMINATE THEMSELVES TO SERVE ON THE BOARD**
14 **BY SUBMITTING THEIR NAMES TO THE GOVERNOR; OR**

15 **(II) MAY BE NOMINATED BY ONE OR THE OTHER OF THE**
16 **TWO MAJOR POLITICAL PARTY CENTRAL COMMITTEES IN DORCHESTER**
17 **COUNTY, WHICH SHALL SUBMIT THE NAMES TO THE GOVERNOR.**

18 **(D) (1) THE GOVERNOR SHALL APPOINT FIVE INDIVIDUALS TO SERVE**
19 **ON THE BOARD FROM AMONG THE NAMES SUBMITTED TO THE GOVERNOR IN**
20 **ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.**

21 **(2) THE FIVE INDIVIDUALS APPOINTED BY THE GOVERNOR**
22 **SHALL BE FROM EACH OF THE COUNCILMANIC DISTRICTS IN THE COUNTY.**

23 **(3) IN MAKING THE APPOINTMENTS UNDER PARAGRAPHS (1) AND**
24 **(2) OF THIS SUBSECTION, THE GOVERNOR SHALL ENSURE THAT BOTH OF THE**
25 **MAJOR POLITICAL PARTIES IDENTIFIED IN SUBSECTION (C)(2) OF THIS SECTION**
26 **ARE REPRESENTED ON THE BOARD.**

27 **(E) (1) THE TERM OF A MEMBER IS 4 YEARS.**

28 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**
29 **THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2009.**

30 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
31 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

1 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**
 2 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
 3 **APPOINTED AND QUALIFIES.**

4 **(5) A MEMBER MAY BE APPOINTED TO ONE OR MORE**
 5 **CONSECUTIVE TERMS.**

6 **(F) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR**
 7 **MISCONDUCT.**

8 **(G) THE GOVERNOR SHALL APPOINT A CHAIR OF THE BOARD FROM**
 9 **AMONG ITS MEMBERS WITH THE ADVICE AND CONSENT OF THE SENATE OF**
 10 **MARYLAND.**

11 **(H) (1) THREE MEMBERS OF THE BOARD IS A QUORUM.**

12 **(2) THE BOARD SHALL DETERMINE THE TIMES AND PLACES OF**
 13 **ITS MEETINGS.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That, on July 1, 2009, all five
 15 members of the Dorchester County Board of License Commissioners created under §
 16 15–105.1 of Article 2B of the Annotated Code of Maryland, as enacted by Section 1 of
 17 this Act, shall be appointed, in accordance with the nominating procedures established
 18 under that section, by the Governor, subject to the advice and consent of the Senate of
 19 Maryland at the next ensuing regular session of the General Assembly. Of the five
 20 members appointed, the members appointed from Councilmanic districts 2, 4, and 5 in
 21 Dorchester County shall serve until July 1, 2011, and the members from Councilmanic
 22 districts 1 and 3 shall serve until July 1, 2013. Each member appointed or reappointed
 23 to the Board from those councilmanic districts thereafter shall serve a full 4–year
 24 term.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 26 July 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.