

HB0737/113895/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 737
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “altering certain minimum percentages of average daily receipts from the sale of food that restaurants must maintain for a certain purpose; prohibiting the Baltimore County Board of Liquor License Commissioners from authorizing the transfer of more than a certain total of certain licenses in existence on a certain date out of a certain election district;”; in the same line, after the second “of” insert “Liquor”; in line 6, strike “a certain limit” and substitute “certain limits”; in line 7, strike “a certain period” and substitute “certain periods; establishing a certain limit on the number of licenses that may be transferred into a single election district”; and in line 25, strike “and” and substitute “; altering the maximum seating capacity for a certain cocktail lounge or bar; altering”.

On page 2, in line 5, after “Act;” insert “providing for the application of certain provisions of this Act;”; in line 10, strike “and” and substitute a comma; in the same line, after “8-204.8” insert “, and 8-204.9”; in line 15, after “Section” insert “8-204.3(d)(1), (2), and (3) and (e), 8-204.4(d), 8-204.5(d),”; and in the same line, after “9-102(b-3B)(1)” insert “and (2)”.

AMENDMENT NO. 2

On page 2, after line 25, insert:

“8-204.3.

(d) (1) The Class B (B, W, L) (TCRD) licenses may be issued only for a location within the Towson Commercial Revitalization District, as defined by the Baltimore County Council.

(Over)

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and in the regulations of the Board of Liquor License Commissioners.

(3) [Except as provided in subsection (e)(2)(ii) of this section, the]THE restaurant operation shall maintain average daily receipts from the sale of food at least [65%]60% of the total daily receipts of the restaurant.

(e) Of the restaurants for which a Class B or Class D license may be transferred and a Class B (B, W, L) (TCRD) may be issued under subsection (b)(1) of this section, the Board of Liquor License Commissioners may require that:

(1) For not more than seven restaurants, applicants for license transfer and issuance demonstrate a minimum capital investment, excluding the costs of the land and building shell, of \$500,000; and

(2) For not more than three restaurants:

(i) Applicants for license transfer and issuance demonstrate a capital investment, excluding the costs of the land and building shell, of not less than \$50,000 or more than \$400,000; AND

(ii) [The restaurant operation maintain average daily receipts from the sale of food of at least 70% of the total daily receipts of the restaurant; and

(iii)] The area dedicated to the restaurant operation have:

1. A maximum seating capacity of 100 persons, with the seating capacity in the bar area not exceeding [15%] 25% of the total seating capacity of the restaurant; and

2. A minimum seating capacity of 40 persons.

8-204.4.

(d) The following additional requirements apply to the Class B (HV) restaurant (on-sale) beer, wine and liquor retail license established by this section:

(1) The license may be issued only for a location within the "Hunt Valley Commercial/Mixed Use Focal Point" as designated in the Hunt Valley/Timonium Master Plan, adopted by the Baltimore County Council on October 19, 1998;

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and the regulations of the Board of License Commissioners;

(3) The restaurant operation shall maintain average daily receipts from the sale of the food of at least [70%] 60% of the total daily receipts of the establishment;

(4) The total seating capacity for the area dedicated primarily for the purpose of the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment; and

(5) Subject to the provisions of subsection (h) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.

8-204.5.

(Over)

(d) The following additional requirements apply to a Class B (QG), (MCOM), or (PC) restaurant (on-sale) beer, wine and liquor retail license established by this section:

(1) The license may be issued only for a location within the geographic areas identified in subsection (b)(1) of this section;

(2) The license shall be used in conjunction with the operation of a restaurant, as defined in this article and the regulations of the Board of License Commissioners;

(3) The restaurant operation shall maintain average daily receipts from the sale of the food of at least [70%]60% of the total daily receipts of the establishment;

(4) The total seating capacity for the area dedicated primarily for the purpose of the consumption of alcoholic beverages may not exceed 25% of the total seating capacity of the establishment; and

(5) Subject to the provisions of subsection (h) of this section, the hours during which the privileges conferred by the license may be exercised may not exceed the hours for which food is offered for sale.”

AMENDMENT NO. 3

On page 2, after line 26, insert:

“(A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

(B) THE BOARD OF LIQUOR LICENSE COMMISSIONERS MAY NOT AUTHORIZE THE TRANSFER OF MORE THAN A TOTAL OF 25 CLASS B OR CLASS D LICENSES IN EXISTENCE ON MAY 1, 2012, OUT OF ELECTION DISTRICT 15.

8-204.8.”;

in line 28, after “TO” insert “§ 8-204.7 OF THIS SUBTITLE AND”; in line 29, after “OF” insert “LIQUOR”; and in line 35, after the second “OF” insert “LIQUOR”.

On page 3, strike in their entirety lines 4 through 23, inclusive, and substitute:

“(C) (1) IN ACCORDANCE WITH THIS SUBSECTION, THE BOARD OF LIQUOR LICENSE COMMISSIONERS SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT IN THE COUNTY; OR

(II) ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES UNDER SUBSECTION (D) OF THIS SECTION.

(2) ON OR BEFORE APRIL 30, 2013, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF FIVE CLASS B OR CLASS D LICENSES; OR

(II) IF FIVE LICENSES ARE NOT TRANSFERRED, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS FIVE.

(3) ON OR BEFORE APRIL 30, 2014, THE BOARD SHALL:

(Over)

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 10; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 10.

(4) ON OR BEFORE APRIL 30, 2015, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 15; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 15.

(5) ON OR BEFORE APRIL 30, 2016, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 20; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 20.

(6) ON OR BEFORE APRIL 30, 2017, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED UNDER THIS SUBSECTION SINCE MAY 1, 2012, TOTALS AT LEAST 25; OR

(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED UNDER THIS SUBSECTION SINCE MAY 1, 2012, EQUALS 25.

(7) IN ANY YEAR, IF THE BOARD APPROVES THE TRANSFER OF MORE CLASS B OR CLASS D LICENSES THAN ARE NEEDED TO MEET THE MINIMUM TOTAL REQUIRED FOR THAT YEAR, THE EXCESS WILL BE COUNTED AGAINST THE MINIMUM TOTAL REQUIRED FOR THE NEXT YEAR.

(8) THE DATE A LICENSE IS TRANSFERRED UNDER THIS SUBSECTION IS THE DATE OF FINAL, NONAPPEALABLE APPROVAL OF THE APPLICATION FOR A NEW LICENSE OR FOR LICENSE TRANSFER BY THE BOARD OF LIQUOR LICENSE COMMISSIONERS.”;

in line 24, after “LICENSE” insert “MAY BE”; strike beginning with “UNDER” in line 25 down through “OF” in line 26 and substitute “ONLY IN COMPLIANCE WITH”; in

(Over)

lines 27 and 32, in each instance, strike “**THE**” and substitute “**A CLASS B SERVICE BAR (SB)**”; in line 27, strike “**WITH**” and substitute “**IN**”; in line 28, after “**OF**” insert “**LIQUOR**”; in line 32, after “**SALES**” insert “**OF BEER AND WINE**”; and after line 32, insert:

“(4) A CLASS B SERVICE BAR (SB) LICENSE ALLOWS ALCOHOLIC BEVERAGES TO BE SERVED TO PATRONS ONLY AS PART OF A MEAL.”

On page 4, in lines 1, 5, and 12, strike “**(4)**”, “**(5)**”, and “**(6)**”, respectively, and substitute “**(5)(I)**”, “**(6)**”, and “**(7)**”, respectively; in line 1, strike “**THE**” and substitute “**A CLASS B SERVICE BAR (SB)**”; strike beginning with the comma in line 2 down through “**TABLE**” in line 4 and substitute “**.**”

(II) A CLASS B SERVICE BAR (SB) LICENSE DOES NOT ALLOW SERVICE TO A CUSTOMER WHO IS STANDING OR ACCEPTING DELIVERY OF PURCHASED FOOD OR BEVERAGE ITEMS OTHER THAN WHILE SEATED AT A TABLE”;

in line 6, after “**LOCATION**” insert “**OF THE RESTAURANT FOR WHICH A CLASS B SERVICE BAR (SB) LICENSE IS SOUGHT**”; in line 9, after “**WITH**” insert “**THE VIEWING OF TELEVISED SPORTING EVENTS OR**”; in line 12, after “**A**” insert “**CLASS B OR D**”; in the same line, strike “**HIS**” and substitute “**THIS**”; in line 13, strike “**ISSUED UNDER SUBSECTION (C) OF THIS SECTION AND**” and substitute “**A CLASS B SERVICE BAR (SB) LICENSE ISSUED UNDER**”; after line 15, insert:

“(8) NOT MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE MAY BE ISSUED IN ANY ONE ELECTION DISTRICT PER YEAR.

(9) A CLASS B SERVICE BAR (SB) LICENSE MAY NOT BE ISSUED FOR USE ON PREMISES OR A LOCATION FOR WHICH ANY ON-SALE LICENSE HAS

BEEN ISSUED WITHIN 2 YEARS BEFORE THE APPLICATION FOR THE CLASS B SERVICE BAR (SB) LICENSE IS FILED.

(10) ANY PERSON, INCLUDING AN INDIVIDUAL OR SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, UNINCORPORATED ASSOCIATION, AND LIMITED LIABILITY COMPANY, MAY NOT HAVE A DIRECT OR INDIRECT INTEREST AS DEFINED IN § 9-102(B-3B) OF THIS ARTICLE IN MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE.”;

in lines 23 and 30, in each instance, after “OF” insert “LIQUOR”; and in line 28, strike “8-204.8.” and substitute “8-204.9.”.

On page 5, in lines 4 and 36, in each instance, after “OF” insert “LIQUOR”.

AMENDMENT NO. 4

On page 6, after line 17, insert:

“(2) For an applicant to obtain a license under this subsection:

(i) The applicant shall apply in the regular manner and pay the usual fee; and

(ii) The restaurants for which the licenses are sought shall:

1. Meet the requirements of the rules and regulations of the Board of License Commissioners regarding the availability and issuance of licenses;

2. Meet the definition requirements of “restaurant” established under the regulations of the Board of License Commissioners;

(Over)

3. Have a minimum seating capacity of 190 persons for dining;

4. Have a cocktail lounge or bar area seating capacity that does not exceed [10%] 25% of the seating capacity for dining; and

5. Have no more than [20%]40% of sales in alcoholic beverages in connection with the business.”;

in line 31, strike “10%” and substitute “25%”; in lines 32 and 33, strike the brackets; in line 32, strike “(v)” and substitute “(IV)”; and in the same line, strike “20%” and substitute “40%”.

On page 7, in line 1, strike “(IV)” and substitute “(V)”.

AMENDMENT NO. 5

On page 8, in line 6, strike “Licenses” and substitute “LIQUOR LICENSE”; in line 13, after the second “of” insert “Liquor”; after line 15, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That §§ 8-204.3(d)(1), (2), and (3) and (e), 8-204.4(d), 8-204.5(d), and 9-102(b-3B)(2)(ii) and (b-3C)(1), as enacted by Section 1 of this Act, shall be construed to apply retroactively and shall be applied to and interpreted to affect restaurants for which alcoholic beverages licenses have been issued or are sought.”;

and in line 16, strike “4.” and substitute “5.”.