

SENATE BILL 183

P5

EMERGENCY BILL

4lr0756

By: **The President (By Request – Department of Legislative Services)**

Introduced and read first time: January 15, 2014

Assigned to: Rules

Committee Report: Favorable

Senate action: Adopted

Read second time: January 30, 2014

CHAPTER _____

1 AN ACT concerning

2 **Annual Curative Bill**

3 FOR the purpose of generally curing previous Acts of the General Assembly with
4 possible title defects; expanding the prohibition on the issuance of certain
5 nonresident or resident alcoholic beverage dealer's permits to include a person
6 who has a disclosed legal, equity, or security interest in a certain licensed malt
7 beverage wholesaler; authorizing the Prince George's County Board of License
8 Commissioners to issue a special 7-day Class B-GC (golf course) on-sale beer,
9 wine, and liquor license in Prince George's County; altering a certain minimum
10 distance restriction in Howard County so as to authorize the issuance of a Class
11 B alcoholic beverages license for a restaurant located beyond a certain distance
12 from a public school building; requiring the Maryland Stadium Authority,
13 Baltimore City, the Baltimore City Board of School Commissioners, and the
14 Interagency Committee on School Construction to submit a certain joint report
15 on a certain date each year; providing for the effect and construction of certain
16 provisions of this Act; making this Act an emergency measure; and generally
17 repealing and reenacting without amendments certain Acts of the General
18 Assembly that may be subject to possible title defects in order to validate those
19 Acts.

20 BY repealing and reenacting, without amendments,
21 Article 2B – Alcoholic Beverages
22 Section 2-101(i)(2) and (v)(3), 8-505, and 9-214(b)(1)
23 Annotated Code of Maryland
24 (2011 Replacement Volume and 2013 Supplement)

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 BY repealing and reenacting, without amendments,
 2 Article – Business Regulation
 3 Section 8–204
 4 Annotated Code of Maryland
 5 (2010 Replacement Volume and 2013 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article – Economic Development
 8 Section 10–645(l)
 9 Annotated Code of Maryland
 10 (2008 Volume and 2013 Supplement)

11 BY repealing and reenacting, without amendments,
 12 Article – Health – General
 13 The subtitle designation “Subtitle 33. Natalie M. LaPrade Medical Marijuana
 14 Commission” immediately preceding § 13–3301(a)
 15 Annotated Code of Maryland
 16 (2009 Replacement Volume and 2013 Supplement)

17 BY repealing and reenacting, without amendments,
 18 Article – State Finance and Procurement
 19 Section 11–101(b) and (i)
 20 Annotated Code of Maryland
 21 (2009 Replacement Volume and 2013 Supplement)

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

24 **Article 2B – Alcoholic Beverages**

25 2–101.

26 (i) (2) A nonresident dealer’s permit may not be issued to a person who:

27 (i) Holds a wholesaler or retailer license of any class issued
 28 under this article;

29 (ii) Has an interest in a wholesaler licensed under this article;
 30 or

31 (iii) Has an interest in a retailer licensed under this article.

32 (v) (3) A resident dealer’s permit may not be issued to a person who:

33 (i) Holds a wholesaler or retailer license of any class issued
 34 under this article;

- 1 (ii) Has an interest in a wholesaler licensed under this article;
2 or
3 (iii) Has an interest in a retailer licensed under this article.

4 DRAFTER'S NOTE:

5 Error: Purpose paragraph of bill being cured failed to accurately describe the
6 changes made by the bill.

7 Occurred: Chapter 207 (Senate Bill 223) of the Acts of 2013.

8 8-505.

9 (a) (1) In this section the following words have the meanings indicated.

10 (2) "Board" means the Prince George's County Board of License
11 Commissioners.

12 (3) "Commission" means the Maryland-National Capital Park and
13 Planning Commission.

14 (b) (1) The Board may issue special 7-day Class B-GC (golf course)
15 on-sale beer, wine, and liquor licenses for the exclusive use on the premises of the
16 Commission's golf courses located within Prince George's County.

17 (2) The special 7-day Class B-GC on-sale beer, wine, and liquor
18 license authorizes the holder to sell beer, wine, and liquor from 1 or more outlets for
19 consumption on the premises of the golf course.

20 (3) (i) A separate license is required for each applicable golf course.

21 (ii) A special 7-day Class B-GC on-sale beer, wine, and liquor
22 license shall be issued to each of the managers of the Commission's golf courses upon
23 making application and qualifying as a license holder under this article.

24 (4) (i) Except as provided in this subsection, the hours of sale for
25 beer, wine, and liquor under this license are from 9 a.m. to 10 p.m. daily, Monday
26 through Sunday.

27 (ii) The Commission may:

28 1. Reduce the hours of sale of beer, wine, and liquor
29 under this license; and

1 (c) On or before December 1 of each year, the Commission shall report to the
2 Senate Education, Health, and Environmental Affairs Committee and the House
3 Economic Matters Committee, in accordance with § 2–1246 of the State Government
4 Article, regarding:

5 (1) the attendance record of each Commission meeting, disaggregated
6 by the constituency that the attendee represents pursuant to the attendee's
7 appointment under § 8–202(a)(2) of this subtitle;

8 (2) how many claims were closed at each meeting; and

9 (3) how many claims remain open at the conclusion of each meeting.

10 (d) Each member of the Commission is entitled to:

11 (1) compensation in accordance with the State budget; and

12 (2) reimbursement for expenses under the Standard State Travel
13 Regulations, as provided in the State budget.

14 (e) The Commission shall have its office in Baltimore City.

15 DRAFTER'S NOTE:

16 Error: Function paragraph of bill being cured incorrectly indicated that only §
17 8–204(a) and (b) of the Business Regulation Article were being amended.

18 Occurred: Chapter 440 (Senate Bill 66) of the Acts of 2013.

19 **Article – Economic Development**

20 10–645.

21 (l) On October 1, 2013, and each October 1 thereafter, the Authority,
22 Baltimore City, the Baltimore City Board of School Commissioners, and the
23 Interagency Committee on School Construction jointly shall report to the Governor,
24 the Board of Public Works and, in accordance with § 2–1246 of the State Government
25 Article, the fiscal committees of the General Assembly, on the progress of
26 replacements, renovations, and maintenance of Baltimore City public school facilities,
27 including actions:

28 (1) taken during the previous fiscal year; and

29 (2) planned for the current fiscal year.

30 DRAFTER'S NOTE:

1 Error: Purpose paragraph of bill being cured failed to accurately describe the
2 changes made by the bill.

3 Occurred: Chapter 647 (House Bill 860) of the Acts of 2013.

4 **Article – Health – General**

5 Subtitle 33. Natalie M. LaPrade Medical Marijuana Commission.

6 13–3301.

7 (a) In this subtitle the following words have the meanings indicated.

8 DRAFTER’S NOTE:

9 Error: Function paragraph of bill being cured failed to correctly state the new
10 subtitle designation.

11 Occurred: Chapter 403 (House Bill 1101) of the Acts of 2013.

12 **Article – State Finance and Procurement**

13 11–101.

14 (b) (1) “Architectural services” means professional or creative work that:

15 (i) is performed in connection with the design and supervision
16 of construction or landscaping; and

17 (ii) requires architectural education, training, and experience.

18 (2) “Architectural services” includes consultation, research,
19 investigation, evaluation, planning, architectural design and preparation of related
20 documents, and coordination of services that structural, civil, mechanical, and
21 electrical engineers and other consultants provide.

22 (3) “Architectural services” does not include construction inspection
23 services or services provided in connection with an energy performance contract for
24 structural, mechanical, plumbing, or electrical engineering.

25 (i) (1) “Engineering services” means professional or creative work that:

26 (i) is performed in connection with any utility, structure,
27 building, machine, equipment, or process, including structural, mechanical, plumbing,
28 electrical, geotechnical, and environmental engineering; and

1 (ii) requires engineering education, training, and experience in
2 the application of special knowledge of the mathematical, physical, and engineering
3 sciences.

4 (2) “Engineering services” includes consultation, investigation,
5 evaluation, planning, design, and inspection of construction to interpret and ensure
6 compliance with specifications and design within the scope of inspection services.

7 (3) “Engineering services” does not include services provided in
8 connection with an energy performance contract.

9 DRAFTER’S NOTE:

10 Error: Function paragraph of bill being cured failed to indicate that § 11–101(b)
11 and (i) of the State Finance and Procurement Article were being amended.

12 Occurred: Chapter 138 (House Bill 757) of the Acts of 2013.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Drafter’s Notes
14 contained in this Act are not law and may not be considered to have been enacted as
15 part of this Act.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
17 measure, is necessary for the immediate preservation of the public health or safety,
18 has been passed by a yea and nay vote supported by three–fifths of all the members
19 elected to each of the two Houses of the General Assembly, and shall take effect from
20 the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.