

SENATE BILL 846

A2

EMERGENCY BILL

4r1061
CF HB 831

By: **Senator Jones–Rodwell**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages Act of 2014**

3 FOR the purpose of authorizing the Board of Liquor License Commissioners for
4 Baltimore City to waive a certain food requirement for a restaurant owned and
5 operated by a not–for–profit organization in a certain area of the City;
6 prohibiting the issuance of certain licenses and the removal of certain licenses
7 to sell alcoholic beverages in certain buildings within a certain distance of a
8 substance abuse treatment center; authorizing the Board to waive certain
9 restrictions on license transfers in certain areas under certain circumstances;
10 prohibiting, beginning on a certain date, certain alcoholic beverages licenses
11 from being issued within or transferred into a certain area; requiring the Board
12 or its designee to examine each application for the issuance or transfer of a
13 license within a certain time; specifying requirements to be met before an
14 application for the issuance, transfer, or renewal of a license may be considered
15 complete; specifying certain requirements to be met before a certain hearing;
16 providing procedures for making changes to an application; requiring the Board
17 to digitize and post online certain records by a certain date and adopt certain
18 regulations; requiring that certain revenue be payable to the director of finance;
19 requiring the Board to submit a budget request to the City annually in a certain
20 form and to provide certain other material to the City; requiring the Board to
21 ensure that each fee or fine that the Board imposes and collects is prominently
22 listed on the Web site of the Board; requiring the Mayor and City Council to
23 pay, from the general fund of the City that includes revenue from the Board, the
24 salaries and expenses of the Board and its employees and devote the balance of
25 the revenue from the Board to the general purposes of the City; requiring the

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 Board annually to establish performance measures for certain activities;
 2 requiring the Board to make the performance measures available to the public
 3 on a certain Web site; requiring that on request, the Board submit certain
 4 reports to the Office of Legislative Audits; providing for certain salaries and
 5 benefits for members of the Board; requiring the Board to employ an executive
 6 secretary and deputy executive secretary based on certain criteria; repealing
 7 certain restrictions concerning the removal of the executive secretary and
 8 deputy executive secretary; repealing a requirement that the executive
 9 secretary or the deputy executive secretary be a member of the State Bar;
 10 prohibiting a member or employee of the Board from having certain financial
 11 interests or soliciting or receiving certain items from certain persons; requiring
 12 a member of the Board to resign under certain circumstances; requiring, under
 13 certain circumstances, a member of the Board to certify to the City Board of
 14 Elections that the individual is no longer a member of the Board; specifying that
 15 the Board or its designee performs certain tasks, including reviewing the zoning
 16 of licenses; requiring a certain period for public comment before the Board may
 17 adopt a regulation; requiring that regulations adopted by the Board be posted
 18 online; requiring the Board to review its regulations at a certain time for a
 19 certain purpose; repealing the requirement that the Board employ and set
 20 salaries for certain part-time inspectors; requiring the Board to employ certain
 21 individuals; providing for the salary of the position of attorney; specifying that
 22 certain employees of the Board are in the classified civil service of the City;
 23 requiring that, to the extent possible, all employees of the Board be residents of
 24 the City; requiring the Board to provide to the director of finance certain
 25 information; requiring the Board to determine the salaries of the employees of
 26 the Board under certain circumstances; specifying that the Board may consider
 27 an employee's performance and experience in determining the appropriate
 28 salary level; repealing a certain pay schedule for certain employees of the
 29 Board; specifying that the Board consists of a certain number of regular and
 30 alternate members; providing for the qualifications, term, and appointment of
 31 the members; defining certain terms; altering a certain definition; making
 32 certain stylistic changes; making this Act an emergency measure; providing for
 33 the effective date of certain provisions of this Act; providing for the termination
 34 of certain provisions of this Act; and generally relating to alcoholic beverages
 35 and the Board of Liquor License Commissioners for Baltimore City.

36 BY repealing and reenacting, without amendments,
 37 Article 2B – Alcoholic Beverages
 38 Section 1–102(a)(1)
 39 Annotated Code of Maryland
 40 (2011 Replacement Volume and 2013 Supplement)

41 BY repealing and reenacting, with amendments,
 42 Article 2B – Alcoholic Beverages
 43 Section 1–102(a)(22)(i), 9–204.3, 10–204(d), 15–101(d), 15–109(d), and
 44 15–112(d)
 45 Annotated Code of Maryland

1 (2011 Replacement Volume and 2013 Supplement)

2 BY adding to

3 Article 2B – Alcoholic Beverages

4 Section 9–204.1(i) and 10–202(a)(4)

5 Annotated Code of Maryland

6 (2011 Replacement Volume and 2013 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article – State Government

9 Section 15–807(a)

10 Annotated Code of Maryland

11 (2009 Replacement Volume and 2013 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – General Provisions

14 Section 5–801(c)(1)

15 Annotated Code of Maryland

16 (As enacted by Chapter (H.B. 270) of the Acts of the General Assembly of
17 2014)

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

20 **Article 2B – Alcoholic Beverages**

21 1–102.

22 (a) (1) In this article the following words have the meanings indicated.

23 (22) (i) 1. “Restaurant” means an establishment:

24 A. Which accommodates the public;

25 B. Which is equipped with a dining room with facilities
26 for preparing and serving regular meals; and

27 C. In which the average daily receipts from the sale of
28 foods exceed the average daily receipts from the sale of alcoholic beverages.

29 2. However the board of license commissioners in any
30 county by regulation may prescribe a different standard as to what constitutes a
31 restaurant.

32 3. **[For] SUBJECT TO SUBSUBPARAGRAPH 4 OF THIS**
33 **SUBPARAGRAPH, FOR** a restaurant in Baltimore City, the average daily receipts from
34 the sale of food must be at least 40% of the total daily receipts of the establishment.

1 **4. THE BOARD OF LIQUOR LICENSE**
 2 **COMMISSIONERS FOR BALTIMORE CITY MAY WAIVE THE FOOD REQUIREMENT**
 3 **SPECIFIED UNDER SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH FOR A**
 4 **RESTAURANT OWNED AND OPERATED BY A NOT-FOR-PROFIT ORGANIZATION IN**
 5 **THE AREA BOUNDED BY SOUTH ELLWOOD AVENUE ON THE WEST, BANK**
 6 **STREET ON THE NORTH, SOUTH BOULDIN STREET ON THE EAST, AND FLEET**
 7 **STREET ON THE SOUTH.**

8 9-204.1.

9 **(I) BEGINNING JULY 1, 2014, A NEW ALCOHOLIC BEVERAGES LICENSE**
 10 **MAY NOT BE ISSUED WITHIN AND AN EXISTING LICENSE MAY NOT BE**
 11 **TRANSFERRED INTO THE AREA SURROUNDED BY NORTHERN PARKWAY TO THE**
 12 **NORTH, BELLONA AVENUE ON THE WEST, ORKNEY ROAD TO THE SOUTH, AND**
 13 **EVESHAM AVENUE ON THE EAST.**

14 9-204.3.

15 (a) (1) Except as OTHERWISE provided in [paragraph (2) of this
 16 subsection] THIS SECTION, in Baltimore City, ~~no new license, or removal of an~~
 17 ~~existing license, shall be granted to sell alcoholic beverages in any building located~~
 18 ~~within 300 feet of the nearest point of the buildings of a church or school, but the~~
 19 ~~license of any person now holding a license for any building located within such~~
 20 ~~distance of the building grounds of a church or school may be renewed or extended for~~
 21 ~~the same building;~~

22 **(I) A NEW LICENSE MAY NOT BE ISSUED FOR AND AN**
 23 **EXISTING LICENSE MAY NOT BE MOVED TO A BUILDING WITHIN 300 FEET OF**
 24 **THE NEAREST POINT OF A BUILDING OF A PLACE OF WORSHIP OR SCHOOL; AND**

25 **(II) A NEW LICENSE OTHER THAN A CLASS B RESTAURANT**
 26 **LICENSE MAY NOT BE ISSUED FOR AND AN EXISTING LICENSE OTHER THAN A**
 27 **CLASS B RESTAURANT LICENSE MAY NOT BE MOVED TO A BUILDING WITHIN 300**
 28 **FEET OF THE NEAREST POINT OF A SUBSTANCE ABUSE TREATMENT CENTER.**

29 (2) In the 45th Legislative District in Baltimore City, a new Class A
 30 license of any type may not be issued for the sale of alcoholic beverages in a building
 31 located within 500 feet of the nearest point of the building of a place of worship or
 32 school.

33 (b) The restrictions regarding distance in subsection (a)(1) of this section do
 34 not apply to the following licenses, which may be issued within the 300 feet limitation:

35 (1) Except in the 46th Legislative District, Class B beer and wine;

1 (2) Except in the 46th Legislative District, Class B beer, wine and
2 liquor;

3 (3) Class C beer and wine; and

4 (4) Class C beer, wine and liquor.

5 (c) Except in the 46th Legislative District, the governing body of any church
6 in writing may waive the restrictions of this section regarding licenses not specified in
7 subsection (b) with respect to cafes or restaurants located within 250 feet of a theater
8 having a capacity of not less than 300 seats, which theater is operated by a nonprofit
9 theater association.

10 (D) (1) **THIS SUBSECTION APPLIES ONLY TO AN AREA BOUNDED BY:**

11 (I) **HIGH STREET ON THE WEST, FAWN STREET ON THE**
12 **NORTH, CENTRAL AVENUE ON THE EAST, AND EASTERN AVENUE ON THE**
13 **SOUTH; OR**

14 (II) **WEST CROSS STREET ON THE WEST, CLIFFORD STREET**
15 **ON THE NORTH, SCOTT STREET ON THE EAST, AND CARROLL STREET ON THE**
16 **SOUTH.**

17 (2) **THE BOARD OF LIQUOR LICENSE COMMISSIONERS FOR**
18 **BALTIMORE CITY MAY WAIVE THE RESTRICTIONS OF THIS SECTION REGARDING**
19 **DISTANCE IN SUBSECTION (A)(1) OF THIS SECTION FOR AN APPLICATION FOR A**
20 **LICENSE TRANSFER INTO AN AREA SPECIFIED IN PARAGRAPH (1) OF THIS**
21 **SUBSECTION IF:**

22 (I) **THE APPLICATION IS APPROVED BY:**

23 1. **EACH COMMUNITY ASSOCIATION REPRESENTING**
24 **THE AREA;**

25 2. **EACH BUSINESS ASSOCIATION IN THE AREA; AND**

26 3. **THE PASTOR AND CHURCH BOARD OF DIRECTORS**
27 **OR PASTORAL COUNCIL FOR EACH CHURCH WITHIN 300 FEET OF THE**
28 **PROPOSED LOCATION FOR THE ESTABLISHMENT FOR WHICH THE LICENSE**
29 **TRANSFER IS SOUGHT; AND**

30 (II) **A MEMORANDUM OF UNDERSTANDING IS EXECUTED BY**
31 **THE APPLICANT FOR THE LICENSE TRANSFER AND EACH COMMUNITY**
32 **ASSOCIATION IN THE AREA.**

1 10-202.

2 (a) (4) (I) THIS PARAGRAPH APPLIES ONLY IN BALTIMORE CITY.

3 (II) IN THIS PARAGRAPH, "BOARD" MEANS THE BOARD OF
4 LIQUOR LICENSE COMMISSIONERS.

5 (III) THE BOARD OR THE BOARD'S DESIGNEE SHALL
6 EXAMINE EACH APPLICATION FOR THE ISSUANCE OR TRANSFER OF A LICENSE
7 WITHIN 45 DAYS OF RECEIPT OF THE APPLICATION TO DETERMINE WHETHER
8 THE APPLICATION IS COMPLETE.

9 (IV) AN APPLICATION FOR THE ISSUANCE, TRANSFER, OR
10 RENEWAL IS NOT COMPLETE UNLESS THE APPLICANT HAS:

11 1. OBTAINED ZONING APPROVAL OR VERIFICATION
12 OF ZONING IF THE APPLICATION IS FOR RENEWAL;

13 2. SUBMITTED ALL DOCUMENTS REQUIRED IN THE
14 APPLICATION; AND

15 3. PAID ALL FINES AND FEES THAT ARE DUE.

16 (V) 1. A LICENSE HEARING MAY NOT BE SCHEDULED
17 UNLESS THE BOARD DETERMINES THAT THE APPLICATION IS COMPLETE.

18 2. A COMPLETE APPLICATION WITH ALL SUBMITTED
19 DOCUMENTS SHALL BE POSTED ONLINE AT LEAST 14 DAYS BEFORE THE
20 HEARING DATE.

21 (VI) THE POSTPONEMENT OF A HEARING SHALL BE POSTED
22 ONLINE NOT LESS THAN 72 HOURS BEFORE THE HEARING DATE.

23 (VII) 1. TO INCORPORATE A CHANGE IN THE
24 APPLICATION DOCUMENT AFTER THE BOARD OR THE BOARD'S DESIGNEE HAS
25 DETERMINED THE APPLICATION TO BE COMPLETE, THE APPLICANT SHALL
26 SUBMIT THE CHANGE TO THE BOARD NOT LATER THAN 15 DAYS BEFORE THE
27 SCHEDULED HEARING.

28 ~~2. AN APPLICANT MAY OFFER A LATER CHANGE TO~~
29 ~~THE APPLICATION ON THE RECORD AT THE HEARING.~~

1 ~~3.~~ **2.** AFTER THE HEARING ON THE APPLICATION, AN
2 APPLICANT MAY CHANGE THE APPLICATION ONLY AT A NEW HEARING.

3 **(VIII) THE BOARD SHALL:**

4 1. STARTING ON JULY 1, 2015, DIGITIZE AND POST
5 ONLINE ALL RECORDS FOR PUBLIC REVIEW; AND

6 2. ADOPT REGULATIONS TO CARRY OUT THIS
7 SUBPARAGRAPH.

8 **(IX) THE BOARD SHALL IMPOSE A FINE THAT IT**
9 **DETERMINES FOR FAILURE TO COMPLY WITH THE REQUIREMENTS UNDER THIS**
10 **PARAGRAPH.**

11 10-204.

12 (d) **(1) IN THIS SUBSECTION, "BOARD" MEANS THE BOARD OF**
13 **LIQUOR LICENSE COMMISSIONERS OF BALTIMORE CITY.**

14 **(2) THIS SUBSECTION APPLIES ONLY IN BALTIMORE CITY.**

15 **(3) THE REVENUE FROM LICENSE FEES, PERMIT FEES, FINES,**
16 **AND ADVERTISING FEES SHALL BE PAYABLE TO THE DIRECTOR OF FINANCE.**

17 **(4) THE BOARD SHALL:**

18 **(i) SUBMIT A BUDGET REQUEST TO BALTIMORE CITY**
19 **ANNUALLY IN THE FORM THAT THE DIRECTOR OF FINANCE REQUIRES; AND**

20 **(ii) PROVIDE ADDITIONAL BUDGET JUSTIFICATION**
21 **MATERIAL THAT THE DIRECTOR OF FINANCE REQUESTS.**

22 **(5) THE BOARD SHALL ENSURE THAT EACH FEE OR FINE THAT**
23 **THE BOARD IMPOSES AND COLLECTS IS PROMINENTLY LISTED ON THE WEB**
24 **SITE OF THE BOARD.**

25 **(6) [In Baltimore City the] THE Mayor and City Council of Baltimore**
26 **shall [pay]:**

27 **(i) PAY from the [receipts] GENERAL FUND OF BALTIMORE**
28 **CITY THAT INCLUDES REVENUE FROM THE BOARD, the salaries and EXPENSES of**
29 **the Board [of License Commissioners of Baltimore City] and its employees[, as**
30 **approved by the State Comptroller]; AND**

1 **(II) DEVOTE THE BALANCE OF THE REVENUE FROM THE**
2 **BOARD TO THE GENERAL PURPOSES OF THE CITY.**

3 **(7) (I) THE BOARD ANNUALLY SHALL ESTABLISH**
4 **PERFORMANCE MEASURES USING THE CITISTAT PROGRAM OF THE CITY OF**
5 **BALTIMORE FOR SUCH ACTIVITIES AS:**

- 6 1. **FINANCIAL MANAGEMENT;**
- 7 2. **ISSUANCE OF LICENSES; AND**
- 8 3. **ENFORCEMENT OF ALCOHOLIC BEVERAGES LAWS.**

9 **(II) THE BOARD SHALL MAKE THE PERFORMANCE**
10 **MEASURES AVAILABLE TO THE PUBLIC ON THE OPEN BALTIMORE WEB SITE.**

11 **(8) ON REQUEST, THE BOARD SHALL SUBMIT TO THE OFFICE OF**
12 **LEGISLATIVE AUDITS PERFORMANCE ACCOUNTABILITY REPORTS TO ENSURE**
13 **THAT THE BOARD IS ON TRACK TO MEET ITS ANNUAL PERFORMANCE**
14 **MEASURES.**

15 15-109.

16 (d) In Baltimore City:

17 (1) **(I) The chairman AND EACH OTHER REGULAR MEMBER of**
18 **the Board shall receive an annual salary [of] THAT:**

- 19 1. **IS NOT LESS THAN \$28,500[, and the other members**
20 **of the Board shall receive an annual salary of \$28,000];**
- 21 2. **IS SET IN THE ORDINANCE OF ESTIMATES; AND**
- 22 3. **INCLUDES ANY COST OF LIVING INCREASE**
23 **AVAILABLE TO MEMBERS OF THE CITY COUNCIL.**

24 **(II) THE ALTERNATE MEMBER OF THE BOARD SHALL**
25 **RECEIVE AN ANNUAL SALARY OF \$16,000.**

26 (2) The chairman and the other members of the Board **EXCEPT THE**
27 **ALTERNATE MEMBER** are eligible to receive the same health benefits that full-time
28 **[liquor inspectors] EMPLOYEES** of the Board receive.

1 (3) The Board shall [appoint] **EMPLOY** an executive secretary and a
2 deputy executive secretary whose salaries shall be fixed by the Board[, subject to
3 approval by the State Comptroller].

4 (4) The executive secretary and the deputy executive secretary shall
5 be residents of Baltimore City and of high character and integrity.

6 (5) The executive secretary and the deputy executive secretary shall
7 be [appointed] **EMPLOYED** upon the basis of their executive skill and [ability and once
8 appointed shall hold office during good behavior regardless of changes in members
9 constituting the Board. They shall be removed only for incompetency or immorality
10 upon charges furnished in writing by the Board setting forth the grounds for dismissal
11 and after opportunity for hearing] **EXPERIENCE**.

12 ~~(6) Either the executive secretary or the deputy executive secretary~~
13 ~~shall be a member of the Bar of this State.~~

14 15-112.

15 (d) (1) This subsection applies only in Baltimore City.

16 (2) A [commissioner] **MEMBER** or employee of the Board:

17 (i) May not have any [interest,] direct or indirect[, either
18 proprietary or by means of any loan, mortgage or lien, or in any other manner,]
19 **INTEREST** in or on any premises where alcoholic beverages are manufactured,
20 distributed, or sold **WHETHER THE INTEREST IS:**

21 **1. PROPRIETARY;**

22 **2. HELD BY MEANS OF A LOAN, MORTGAGE, OR LIEN;**

23 **3. BENEFICIALLY OWNED THROUGH AN**
24 **INVESTMENT VEHICLE, ESTATE, TRUST, OR OTHER INTERMEDIARY WHEN THE**
25 **BENEFICIARY DOES NOT CONTROL THE INTERMEDIARY OR MAY SUPERVISE OR**
26 **PARTICIPATE IN THE INTERMEDIARY'S INVESTMENT DECISIONS; OR**

27 **4. HELD IN ANY OTHER MANNER;**

28 (ii) May not have any interest, direct or indirect, in any
29 business wholly or partially devoted to the manufacture, distribution, or sale of
30 alcoholic beverages;

31 (iii) May not own any stock in any corporation which has any
32 interest, proprietary or otherwise, direct or indirect, in any premises where alcoholic

1 beverages are manufactured, distributed, or sold or in any business wholly or partially
2 devoted to the manufacture, distribution, or sale of alcoholic beverages; [or]

3 (iv) May not receive any salary or other compensation or any
4 other thing of value from a business engaged in the manufacture, distribution, or sale
5 of alcoholic beverages;

6 (v) **MAY NOT SOLICIT OR RECEIVE DIRECTLY OR**
7 **INDIRECTLY OR ON BEHALF OF ANOTHER PERSON, A COMMISSION, POLITICAL**
8 **CONTRIBUTION, REMUNERATION OR GIFT, FROM:**

9 1. **A PERSON WHO IS ENGAGED IN THE**
10 **MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES; OR**

11 2. **AN AGENT OR EMPLOYEE OF A PERSON WHO IS**
12 **ENGAGED IN THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC**
13 **BEVERAGES; AND**

14 (vi) **SHALL COMPLY WITH BALTIMORE CITY PUBLIC ETHICS**
15 **LAWS AND FINANCIAL DISCLOSURE PROVISIONS ENACTED BY THE MAYOR AND**
16 **CITY COUNCIL.**

17 (3) [An employee of the Board may not hold any other federal, State,
18 or local public office or employment.

19 (4) A [commissioner] **MEMBER OR AN EMPLOYEE** of the Board may
20 hold any other public office or employment, federal, State or local, unless that public
21 office or employment would pose a conflict of interest.

22 (4) **A MEMBER OF THE BOARD WHO APPLIES FOR GOVERNMENT**
23 **EMPLOYMENT THAT WOULD POSE A CONFLICT OF INTEREST AS DETERMINED BY**
24 **THE BALTIMORE CITY BOARD OF ETHICS SHALL RESIGN FROM THE BOARD BY**
25 **A LETTER ADDRESSED TO THE GOVERNOR.**

26 (5) (i) **ON FILING A CERTIFICATE OF CANDIDACY FOR**
27 **ELECTION TO A PUBLIC OFFICE OR WITHIN 30 DAYS BEFORE THE FILING**
28 **DEADLINE FOR THE PRIMARY ELECTION FOR THE PUBLIC OFFICE SOUGHT,**
29 **WHICHEVER OCCURS LATER, AN INDIVIDUAL WHO IS A MEMBER OF THE BOARD**
30 **OR AN EMPLOYEE OF THE BOARD SHALL CERTIFY TO THE CITY BOARD OF**
31 **ELECTIONS UNDER OATH THAT THE INDIVIDUAL IS NO LONGER A MEMBER OF**
32 **THE BOARD.**

33 (ii) **THE CERTIFICATION SHALL BE ACCOMPANIED BY A**
34 **LETTER ADDRESSED TO THE GOVERNOR CONTAINING THE RESIGNATION OF**
35 **THE MEMBER OF THE BOARD.**

1 **[(5)] (6)** (i) Every employee of the Board:

2 1. Shall devote that employee's whole time and attention
3 to the business of the Board during the hours designated by the Board for the
4 performance of official duties;

5 2. May not engage in any occupation, business or
6 profession in any way connected or associated, directly or indirectly, with the
7 manufacture or sale of alcoholic beverages; and

8 3. May not transact business of any kind whatsoever
9 beyond his or her official duties with any licensee, or in connection with the operation
10 of any establishment licensed for the manufacture or sale of alcoholic beverages.

11 (ii) Any employee of the Board who violates any of the
12 provisions of this subsection shall be removed.

13 **[(6)] (7)** (i) As to any entity licensed under the provisions of this
14 article, a **[commissioner] MEMBER** or AN employee of the Board may not solicit or
15 receive directly or indirectly any commission, remuneration or gift whatsoever from
16 any:

17 1. Person or corporation engaged in the manufacture or
18 sale of beer or other alcoholic beverages;

19 2. Agent or employee of that person or corporation; or

20 3. Licensee licensed under the provisions of this article.

21 (ii) A person or corporation engaged in the manufacture or sale
22 of beer or other alcoholic beverages, any agent or employee of that person or
23 corporation, and a licensee licensed under the provisions of this article may not, either
24 directly or indirectly, offer to pay any commission, profit or remuneration or make any
25 gift to any **[commissioner] MEMBER** or employee of the Board or to anyone on behalf
26 of that **[commissioner] MEMBER** or employee of the Board.

27 **[(7)] (8)** The **[chairman of the]** Board[:

28 (i) Is its administrative officer and is charged with the duty of
29 enforcing] **OR THE BOARD'S DESIGNEE GOVERNS, ADMINISTERS, AND ENFORCES**
30 the provisions of this article[.] **IN BALTIMORE CITY, INCLUDING PERFORMING**
31 **SUCH TASKS AS:**

1 [(ii) (I) [Shall personally supervise] **SUPERVISING** the
 2 activities and investigations of the several inspectors and other employees of the
 3 Board;

4 [(iii) (II) [Shall examine] **EXAMINING** the location and general
 5 character of the licensees in the City; [and]

6 **(III) REVIEWING THE ZONING OF LICENSES DURING THE**
 7 **LICENSE APPLICATION, LICENSE TRANSFER, AND LICENSE RENEWAL**
 8 **PROCESSES; AND**

9 (iv) [Shall make recommendations to the Board] **ADOPTING**
 10 **REGULATIONS** concerning zoning of licensees[,] **AND** methods of enforcement[, and
 11 promulgation of regulations] to carry out the purposes **AND ENFORCEMENT** of this
 12 article.

13 **[(8) (9) (I) BEFORE THE BOARD MAY ADOPT A REGULATION:**

14 1. **THE BOARD SHALL PROVIDE A PERIOD OF AT**
 15 **LEAST 30 DAYS FOR PUBLIC COMMENT; AND**

16 2. **THE CITY SOLICITOR SHALL REVIEW THE**
 17 **REGULATIONS TO ENSURE THAT THE REGULATIONS COMPLY WITH THE**
 18 **AUTHORITY GRANTED TO THE BOARD BY THE STATE.**

19 **(II)** Regulations adopted by the Board shall be published,
 20 **POSTED ONLINE**, and distributed to whichever licensees are affected by them.

21 **(III)** The Board may require any licensee to display prominently
 22 in the licensee's place of business any regulation of the Board, or any excerpt or
 23 statement from this article.

24 **(IV) THE BOARD SHALL REVIEW ITS REGULATIONS ON OR**
 25 **BEFORE OCTOBER 31, 2015, AND AT LEAST ONCE EVERY 5 YEARS THEREAFTER,**
 26 **TO ENSURE THAT THE REGULATIONS COMPLY WITH:**

27 1. **CURRENT POLICIES AND PRACTICES OF THE**
 28 **BOARD; AND**

29 2. **FEDERAL, STATE, AND LOCAL LAW.**

30 **[(9) The Board shall:**

31 (i) Employ 12 permanent part-time inspectors; and

1 (ii) Set the annual salary for permanent part-time inspectors at
2 not less than \$3,600.]

3 (10) The Board shall:

4 (i) [Employ] **SUBJECT TO PARAGRAPH (13) OF THIS**
5 **SUBSECTION, EMPLOY** a qualified attorney to serve as appellate counsel for the
6 Board in actions of appeal; [and]

7 (ii) [Set for appellate counsel the same compensation and
8 benefits as are set for the Assistant Chief Inspector-Grade 097 or the Chief
9 Inspector-Grade 099] **USE AS NEEDED THE ADVICE OF THE BALTIMORE CITY**
10 **LAW DEPARTMENT;**

11 **(III) EMPLOY AN EXECUTIVE SECRETARY AND A DEPUTY**
12 **EXECUTIVE SECRETARY, WHO BOTH SHALL SERVE AT THE PLEASURE OF THE**
13 **BOARD; AND**

14 **(IV) EMPLOY INSPECTORS, CLERICAL STAFF, AND OTHER**
15 **ASSISTANTS AS NECESSARY TO FULFILL THE MISSION OF THE BOARD AND**
16 **ENFORCE THE ALCOHOLIC BEVERAGES LAWS OF THE STATE.**

17 [(11) (i) 1. In this paragraph, “inspectors” means full-time
18 inspectors who are employees of the Board. “Inspectors” does not include an inspector
19 supervisor or assistant inspector supervisor.

20 2. Inspectors who were appointed prior to October 1,
21 1997, shall continue their appointment after that date unless removed in accordance
22 with classified civil service procedures.

23 (ii) As of October 1, 1997:

24 1. Inspectors are part of the classified civil service of the
25 City;

26 2. The Board may appoint and remove inspectors only in
27 accordance with the provisions of law that govern classified civil service employees of
28 the City;

29 3. An employee of the Board may not solicit or receive,
30 directly or indirectly or on behalf of another person, a commission, political
31 contribution, remuneration, or gift from:

32 A. A licensee or other person who is engaged in the
33 manufacture or sale of alcoholic beverages; or

1 B. An agent or employee of a licensee or other person
2 who is engaged in the manufacture or sale of alcoholic beverages; and

3 4. An employee or other person specified in
4 subsubparagraph 3 of this subparagraph who violates the provisions of that
5 subsubparagraph is subject to the penalties specified in § 16–503 of this article.

6 (iii) The provisions of this paragraph do not alter the process by
7 which inspectors' salaries are funded.

8 (iv) The inspector supervisor and assistant inspector supervisor
9 shall be residents of Baltimore City.

10 (v) The inspector supervisor, assistant inspector supervisor,
11 office assistant, accounting assistant, secretary III, office supervisor, and applications
12 investigator appointed prior to October 1, 1998 shall continue their appointment after
13 that date unless removed in accordance with classified civil service procedures.

14 (vi) As of October 1, 1998:

15 1. The inspector supervisor, assistant inspector
16 supervisor, office assistant, accounting assistant, secretary III, and office supervisor
17 are part of the classified civil service of Baltimore City.

18 2. There shall be an assistant executive secretary which
19 position shall replace the position of administrative coordinator. The assistant
20 executive secretary shall be part of the classified civil service of Baltimore City.]

21 **(11) THE SALARY FOR THE POSITION OF ATTORNEY SPECIFIED**
22 **UNDER PARAGRAPH (I) OF THIS SUBSECTION SHALL BE AT LEAST THE SALARY**
23 **ASSIGNED ON MAY 30, 2014, TO THAT POSITION.**

24 **(12) ALL EMPLOYEES OF THE BOARD, EXCEPT FOR THE**
25 **EXECUTIVE SECRETARY AND THE DEPUTY EXECUTIVE SECRETARY, ARE IN THE**
26 **CLASSIFIED CIVIL SERVICE OF THE CITY AND MAY BE HIRED AND REMOVED**
27 **ONLY IN ACCORDANCE WITH THE LAW THAT GOVERNS CLASSIFIED CIVIL**
28 **SERVICE EMPLOYEES OF THE CITY.**

29 **(13) TO THE EXTENT POSSIBLE, ALL EMPLOYEES OF THE BOARD**
30 **SHALL BE RESIDENTS OF BALTIMORE CITY.**

31 [(12) (i) Subject to the provisions in subparagraph (ii) of this
32 paragraph, the salaries of employees of the Board shall be determined by the members
33 of the Board with the advice and consent of the senators from Baltimore City.]

1 **(14) (I) THE BOARD SHALL PROVIDE TO THE DIRECTOR OF**
2 **FINANCE THE ESTIMATES OF THE BOARD FOR THE NEXT FISCAL YEAR OF THE**
3 **APPROPRIATIONS NEEDED TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE**
4 **MISSION AND GOALS OF THE BOARD, IN ACCORDANCE WITH ART. VI, SECTION 4**
5 **OF THE BALTIMORE CITY CHARTER.**

6 **(II) SUBJECT TO SUBPARAGRAPHS (III) AND (IV) OF THIS**
7 **PARAGRAPH, THE MEMBERS OF THE BOARD SHALL DETERMINE THE SALARIES**
8 **OF EMPLOYEES OF THE BOARD.**

9 **(III) FOR CIVIL SERVICE EMPLOYEES, SALARY LEVELS AND**
10 **ADJUSTMENTS SHALL CONFORM TO THE POLICIES OF THE CITY'S BOARD OF**
11 **ESTIMATES, CIVIL SERVICE COMMISSION, AND DEPARTMENT OF HUMAN**
12 **RESOURCES, INCLUDING THE CITY UNION OF BALTIMORE SALARY SCALES.**

13 **[(ii) (IV) The Board may consider an employee's length of**
14 **service]** ~~**PERFORMANCE, PERFORMANCE, AND EXPERIENCE**~~ in determining the
15 appropriate salary level.

16 **[(13) The following is the schedule of City Union of Baltimore (CUB)**
17 **salary grade levels for employees of the Board:**

- 18 (i) Office Assistant – Grade 082;
- 19 (ii) Inspector I – Grade 082;
- 20 (iii) Inspection Division Office Assistant – Grade 082;
- 21 (iv) Inspector II – Grade 085;
- 22 (v) Accounting Assistant II – Grade 085;
- 23 (vi) Secretary III – Grade 086;
- 24 (vii) 311 Call Center Supervisor – Grade 093;
- 25 (viii) Inspector III – Grade 088;
- 26 (ix) Assistant Executive Secretary – Grade 099;
- 27 (x) Assistant Chief Inspector – Grade 097; and
- 28 (xi) Chief Inspector – Grade 099.]

1 **(3) (I) THE TERM OF A MEMBER OF THE BOARD IS 2 YEARS**
2 **AND BEGINS ON JULY 1.**

3 **(II) THE TERMS OF THE MEMBERS ARE STAGGERED AS**
4 **REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1,**
5 **2014.**

6 **(III) AT THE END OF A TERM, A MEMBER CONTINUES TO**
7 **SERVE UNTIL A SUCCESSOR IS APPOINTED.**

8 **(IV) A MEMBER WHO IS APPOINTED AFTER A TERM HAS**
9 **BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
10 **APPOINTED.**

11 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That:

12 (1) the Governor shall make the initial appointments to the Board of
13 Liquor License Commissioners for Baltimore City required under Section 2 of this Act
14 on or before May 30, 2014; and

15 (2) the terms of the members of the Board of Liquor License
16 Commissioners for Baltimore City serving on July 1, 2014, end as follows:

17 (i) two regular members on June 30, 2015; and

18 (ii) one regular member and the alternate member on June 30,
19 2016.

20 SECTION ~~4~~ 6. AND BE IT FURTHER ENACTED, That ~~Section 1~~ Sections 1
21 and 2 of this Act shall take effect July 1, 2014.

22 SECTION 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
23 take effect on the taking effect of Chapter (H.B. 270) of the Acts of the General
24 Assembly of 2014. If Section 3 of this Act takes effect, Section 2 of this Act shall be
25 abrogated and of no further force and effect.

26 SECTION ~~5~~ 8. AND BE IT FURTHER ENACTED, That, except as provided in
27 ~~Section 4~~ Sections 6 and 7 of this Act, this Act is an emergency measure, is necessary
28 for the immediate preservation of the public health or safety, has been passed by a ye
29 and nay vote supported by three-fifths of all the members elected to each of the two
30 Houses of the General Assembly, and shall take effect from the date it is enacted.