

**Department of Legislative Services**  
Maryland General Assembly  
2014 Session

**FISCAL AND POLICY NOTE**

Senate Bill 638 (Senator Simonaire)  
Education, Health, and Environmental Affairs

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**Anne Arundel County - Alcoholic Beverages - Board of License Commissioners**

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This bill requires that every two years, the Governor, with the advice and consent of the Senate if in session, and if not in session, then the Governor alone, appoint three persons as the Anne Arundel County Board of License Commissioners from a list of nominees. The Governor must also fill a vacant seat on the board.

The bill takes effect July 1, 2014.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** None. Altering the selection process of board members does not affect Anne Arundel County finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The Governor must appoint two members from a list of no more than six nominees submitted by Anne Arundel County Senators representing the political party with the highest number of members elected in the most recent general election. The Governor may request an additional list of no more than six nominees. The Governor must appoint one member from a list of no more than three nominees submitted by Anne Arundel County Senators representing the political party with the second highest number of members elected in the most recent general election. The Governor may request an additional list of no more than three nominees.

The Governor must fill a vacant seat on the board from a list of no more than three nominees submitted by Anne Arundel County Senators representing the political party with the highest number of members elected in the most recent general election if the two remaining members of the board are not from the same political party. The Governor may request an additional list of no more than three nominees. If the two remaining members of the board are from the same political party, the Governor must fill a vacant seat on the board from a list of no more than three nominees submitted by Anne Arundel County Senators representing the political party with the second highest number of members elected in the most recent general election. The Governor may request an additional list of no more than three nominees.

**Current Law:** The Governor, biennially, with the advice and consent of the Senate if in session, and if not in session, then the Governor alone, must appoint three persons to the Anne Arundel County Board of License Commissioners. In making the appointments, the Governor must designate one of the appointees as the chairman of the board. The commissioners must be residents and voters of Anne Arundel County and be of high character and integrity and of recognized business capacity. In the case of a vacancy on the board while the legislature is not in session, the Governor must appoint some eligible person to fill the vacancy during the remainder of office of the person originally appointed.

No more than two members of the Anne Arundel County Board of License Commissioners may belong to the same political party.

In the State Court of Appeals case of *Nesbitt v. Fallon*, 203 Md. 534, 102 A.2d 284 (1954), the court ruled that the Anne Arundel County Board of License Commissioners must be composed of civil officers appointed by the Governor with the consent of the Senate.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Anne Arundel County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2014  
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Analysis by: Heather N. Ruby

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510